CL-1968-196

Form A. O. 90 (Rev. 7-26-50)

Commissioner's Warrant of Arrest

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 111

UNITED STATES OF AMERICA

v

BENJAMIN NICOLETTI, JR.

WARRANT OF ARREST

To any authorized Agent of the Federal Bureau of Investigation:

You are hereby commanded to arrest BENJAMIN NICOLETTI, JR. (here insert name of defendant or description), and bring him forthwith before the nearest available United States Commissioner to answer to a complaint charging him with being engaged in the business of gambling and bookmaking in violati (here describe offense charged in complaint) of the laws of the State of New York, and knowingly conspiring to use and using and causing to be used telephone facilities in foreign commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said gambling and bookmaking business.

in violation of U.S.C. Title, 18, Sections 1952, 2, and 371.

Date November 26, 1968.

[signature], United States Commissioner.

1. Here insert designation of officer to whom warrant is issued.

RETURN

Received Nov 26, 1968 at Buffalo, N.Y., and executed by arrest of Benjamin Nicoletti, Jr at Buffalo, N.Y. on Dec. 6, 1968.

Gabriel R. Martinez, Name.

Special Agent - FBI, Title.

Western District of New York

Date Dec 6, 1968.

By ..... Deputy

#27-a

Form A.O. 91 (Rev.12-1-58) Complaint

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v

STEFANO MAGADDINO, PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR., BENJAMIN NICOLETTI, JR., GINO FRANK MONACO, SAM JOSEPH PUGLESE, MICHAEL FARELLA, AUGUSTINE RIZZO, JR. a/k/a Augie Rizzo, PATSY PASSERO, and LOUIS TAVANO.

Commissioner's Docket No. 68

Case No. 11

COMPLAINT for VIOLATION of

U.S.C. Title 18

Sections 1952, 2 and 371

BEFORE Edmund F. Maxwell, 1112 Prudential Building, Buffalo, New York
Name of Commissioner — Address of Commissioner

The undersigned complainant being duly sworn states:
during the months of September, October, and November, 1968, up to and including
That ~~on or about~~ the date of this ~~complaint~~ complaint, at Niagara Falls, New York, Lewiston, New York, North Tonawanda, New York, Tonawanda, New York, and elsewhere in the State and Western District of New York

(1) STEFANO MAGADDINO, PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR., BENJAMIN NICOLETTI, JR., GINO FRANK MONACO, SAM JOSEPH PUGLESE, MICHAEL FARELLA, AUGUSTINE RIZZO, JR. a/k/a/ Augie Rizzo, PATSY PASSERO, and LOUIS TAVANO did(2) while engaged in the business of gambling and bookmaking in violation of the laws of the State of New York, knowingly conspire to use, use and cause to be used, telephone facilities in foreign commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said gambling and bookmaking business.

And the complainant states that this complaint is based on the attached affidavits of Special Agent Raymond C. Kruger, Special Agent Joseph E. Griffin, Jr., Detective James Moody and John E. Belkota

And the complainant further states that he believes that

are material witnesses in relation to this charge.

Raymond C. Kruger
Raymond C. Kruger, S.A., *Signature of Complainant.*
F.B.I.
Official Title.

Sworn to before me, and subscribed in my presence, Nov 26, 1968.

Edmund F. Maxwell
United States Commissioner.

(1) Insert name of accused.
(2) Insert statement of the essential facts constituting the offense charged.

AFFIDAVIT

I, Raymond C. Kruger, being duly sworn, depose and say:

I have been employed as a Special Agent of the Federal Bureau of Investigation for over 17 years, and have worked for the past five years in the Buffalo Division of the Federal Bureau of Investigation. During this period of time, I have regularly participated in investigating gambling and bookmaking matters. I have participated in investigating in excess of 50 such gambling and bookmaking cases. I have participated in numerous Grand Jury investigations of gambling and bookmaking matters.

Fellow Special Agent, Joseph E. Griffin, Jr., received certain information from an informant regarding the conduct of a bookmaking operation involving STEFANO MAGADDINO, BENJAMIN NICOLETTI, SR., PETER A. MAGADDINO, SAM PUGLESE, AUGIE RIZZO, MIKE FARELLA, LOUIS TAVANO, of the United States, the IANNUZZELLIs, ERNEST REINHART, WALTER CHOMSKI of Canada, and also involving New York telephone numbers, the subscribers of which were determined to be RALPH FAVA, LOUIS CUBELLO and RONALD APPOLONEY.

Based on this informant information received by Special Agent Joseph E. Griffin, Jr., and more fully set out in his affidavit, submitted in application for the warrant herein sought, I began an investigation which consisted of collecting available information and gathering new information relative to the information received from the proven reliable informant. In the course of this investigation, I gathered available information concerning the personal reputations and criminal records of the individuals alleged to be involved. In addition, certain physical observations which had been conducted were reviewed and certain new physical observations were commenced.

Information from the telephone company was gathered as to toll calls emanating from certain telephones. The personal observations were made by the Niagara

Falls, New York Police Department and the Federal Bureau of Investigation. Several officers of the Niagara Falls Police Department and numerous Agents of the Federal Bureau of Investigation were involved in carrying out these physical observations.

The information gathered in the course of this investigation is as follows:

PATSY PASSERO

Address: 2895 Lewiston Road, Niagara Falls, New York

PATSY PASSERO, FBI Number 2210855, identified by the informant as a bookmaker working for the NICOLETTIs, has an arrest record which dates from 1940 to 1967. He has been arrested three times for burglary, once for suspicion of robbery and one time for bookmaking. He has been convicted twice of burglary and once for bookmaking offenses. According to Lieutenant John E. Belkota, he is a long-time associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR., identified by the informant as the supervisors of their operation, and is presently associated with them in a "lay off" capacity.

Over the past six months, numerous telephone calls have emanated from the PASSERO residence during the prime bookmaking time. Many were made to Canada to known bookmaking establishments and persons connected with bookmaking and gambling. In addition to the foreign calls, there were interstate calls made to numbers commonly associated with bookmaking and gambling.

During this same period of time, calls were made from Canada, from numbers known to be connected with bookmaking activity to the telephone at the residence of PATSY PASSERO.

Personal observations during the month of November, 1968, further indicate that PATSY PASSERO is at home during the prime bookmaking hours. PASSERO's car has been spotted on occasions as recently as November, 1968, in the vicinity of the Niagara Sundry, the place

of business of MIKE FARELLA, identified by the informant as a bookmaker for the NICOLETTIs.

On one occasion, during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO, was seen meeting and talking with PATSY PASSERO. TAVANO has also been identified as a bookmaker for the NICOLETTIs.

GINO MONACO

Address: Sleepy Time Motel, 6831 Pine Avenue, Niagara Falls, New York

GINO MONACO, also known as Gino Frank Monaco, FBI Number 322281D, also identified by the informant as a bookmaker for the NICOLETTIs, has a criminal record dating from February 8, 1955 through June 12, 1967, during which time he has been charged with and convicted of gambling violations on three different occasions. Investigation revealed no present legitimate source of income for GINO MONACO. In addition to that, as can be seen more particularly from the affidavit of Lieutenant John E. Belkota, which is also submitted in connection with the warrant herein sought, MONACO is known to the Niagara Falls Police Department as a long-time associate of BENJAMIN NICOLETTI, JR., and BENJAMIN NICOLETTI, SR., in their gambling operation, and is presently believed to be personally engaged in bookmaking for the NICOLETTIs.

Personal observation of MONACO on November 15, 1968, placed him at the address of 1120 Linwood, Niagara Falls, New York, during prime bookmaking time. During the same week, his automobile was seen near the same address.

The same premises were also visited by BENJAMIN NICOLETTI, JR. during that week during prime bookmaking hours.

Personal observations as recently as during the past week indicate that MONACO visits BENJAMIN NICOLETTI, JR. at the latter's home. A physical observation on Monday night, November 18, 1968, also placed MONACO in a meeting with BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR. for at least a four-hour period at the

then closed Red Carpet Lounge. During the month of November, 1968, GINO MONACO was observed meeting with MIKE FARELLA, previously identified as one of NICOLETTI's bookmakers, at a shop known as Mario's. Mario's sells various racing forms on a daily basis.

SAM PUGLESE

Address: 177 61st Street, Niagara Falls, New York

SAM PUGLESE, FBI Number 70402G, identified by the informant as one of NICOLETTI's bookmakers, has been arrested and convicted on gambling charges in 1964 and 1967. Investigation reveals no legitimate source of income for SAM PUGLESE. Again referring to the affidavit of Lieutenant John E. Belkota, it appears therein that SAM PUGLESE is known to the Niagara Falls, New York Police Department as an active bookmaker and associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

During September, October and November, 1968, personal observations have on numerous occasions placed PUGLESE at the house of RALPH FAVA during prime bookmaking time. The telephone subscribed to by Ralph Fava was identified by the informant as used in the NICOLETTI bookmaking operation. On each of these occasions, BENJAMIN NICOLETTI, JR. was also there during said prime bookmaking time. As noted infra, FAVA's telephone has been used to contact other bookmakers.

MIKE FARELLA

Business Address: Niagara Sundry, 1216 Niagara Street, Niagara Falls, New York

MIKE FARELLA, FBI Number 804012, identified by the informant as a bookmaker for the NICOLETTIs, from 1934 to 1967, has been arrested five times and convicted four times for gambling activity. Again referring to Lieutenant John E. Belkota's affidavit, he is known as an associate of BENJAMIN NICOLETTI, JR. and BENJAMIN

NICOLETTI, SR., and is presently believed to be a bookmaker in that operation. Up to and including the present time, personal observations have revealed that the Sundry Shop is not operated under normal conditions. It was noted that its door is locked and admittance can be gained only by attracting the attention of those inside.

As noted supra, personal observation has placed MIKE FARELLA meeting with GINO MONACO, at a shop known as Mario's.

LOUIS TAVANO

Address: 5308 Elm Drive, Lewiston, New York

LOUIS C. TAVANO, identified by informant as one of the bookmakers working for the NICOLETTIs, is known to the Niagara Falls, New York Police Department as an active bookmaker. Lieutenant Belkota identifies him as working in that capacity for BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

Over the past two months numerous foreign, interstate and intrastate telephone calls have emanated from LOUIS TAVANO's residence at 5308 Elm Drive, Lewiston, New York. Telephone numbers known to be utilized by ERNEST REINHART, a notorious bookmaker in Ontario, Canada, are among those called. In addition, these same numbers in Canada are used to place calls to TAVANO in Lewiston, New York during the same period of time. Numerous additional calls were emanating during the same period from the TAVANO residence to a telephone number used by ANGELO BONITO, identified to me by the Buffalo Police Department as a known bookmaker in Buffalo, New York. During the same two-month period, numerous calls emanated from this same Buffalo telephone number to TAVANO. The telephone number used by Bonito was used to make calls to the RALPH FAVA residence in Niagara Falls, New York. RALPH FAVA's home and telephone are identified elsewhere in this affidavit and in the affidavit of Joseph E. Griffin, Jr., as used by BENJAMIN NICOLETTI, JR. in the carrying on of his bookmaking operation.

Personal observations have also placed BENJAMIN NICOLETTI, JR., BENJAMIN NICOLETTI, SR. and GINO MONACO at a meeting at TAVANO's Red Carpet Lounge, Pine Avenue, Niagara Falls, New York, on Monday, November 18, 1968. It was noted that at the time of this observation, the Red Carpet Lounge was not open for business. During the course of this same observation and at the conclusion of the meeting among the above three mentioned individuals, BENJAMIN NICOLETTI, JR. was seen to secure and lock the front door of TAVANO's restaurant and place the key in his pocket.

On one occasion during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO was seen meeting and talking with PATSY PASSERO.

AUGIE RIZZO

Address: 257 Witmer Road, North Tonawanda, New York

AUGUSTINE RIZZO, JR., identified by informant as a bookmaker for the NICOLETTIs, is also known as Augie Rizzo, and is known to Lieutenant Frank Malone, North Tonawanda, New York Police Department to be residing at 257 Witmer Road, North Tonawanda, New York with one Irene Durick. Lieutenant Malone advised on November 25, 1968 based upon informants and independent investigation that RIZZO is presently and has been for the past three months actively engaged in bookmaking. Lieutenant Malone advises that he has also determined that Rizzo is utilizing the telephone subscribed to by Irene Durick, 257 Witmer Road, North Tonawanda, New York, for bookmaking purposes.

Over the past six months, numerous telephone calls have emanated from the Durick residence during prime bookmaking time, to known bookmakers and bookmaking establishments.

RONALD APPOLONEY, RALPH FAVA and LOUIS CUBELLO are the subscribers to the telephones identified by the informant as being used in the NICOLETTI bookmaking operation.

RONALD APPOLONEY

Address: 513 15th Street, Niagara Falls, New York
Telephone: 716 284-8559

Personal observations of RONALD APPOLONEY's residence during October and November, 1968 place BENJAMIN NICOLETTI, JR. at that residence. As will be noted, infra, RONALD APPOLONEY has during the past two months, been seen to visit the residences of RALPH FAVA and BENJAMIN NICOLETTI, JR.

RALPH FAVA

Address: 2241 South Avenue, Niagara Falls, New York
Telephone: 716-284-0879
716-284-0792

Over the past six months, telephone calls have emanated from the residence of RALPH FAVA to telephone numbers in Canada associated with bookmakers and gamblers. Numerous calls over the past six months have gone from FAVA's house to a number known to be used by a bookmaker in Buffalo, New York. These calls were frequently made during prime bookmaking hours. As above-noted, in the discussion of LOUIS TAVANO, numerous telephone calls have come from a different Buffalo, New York bookmaking operation to a telephone at FAVA's residence. It is also noted that on September 13, 1968, a second and additional telephone with a separate and distinct number was installed in FAVA's home.

Extensive personal observation of the FAVA residence since September, 1968, revealed that it was very frequently visited by BENJAMIN NICOLETTI, JR. during the period of prime bookmaking time. Periodically over the past three months, FAVA's residence has also been visited by SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR.

LOUIS CUBELLO

Address: 2262 Woodlawn Avenue, Niagara Falls, New York
Telephone: 716-285-7798

In November, 1968, BENJAMIN NICOLETTI, JR. has been observed to be at LOUIS CUBELLO's residence during prime bookmaking time.

BENJAMIN NICOLETTI, JR.

Address: 2654 North Avenue, Niagara Falls, New York

BENJAMIN NICOLETTI, JR., FBI Number 80339G has been arrested five times from 1964 to 1967, for gambling offenses. He has been convicted on two of these charges, and he has gambling charges pending. Investigation has revealed no legitimate source of income for BENJAMIN NICOLETTI, JR. He is known to the Niagara Falls, New York Police Department as can be seen by the affidavit of Lieutenant John E. Belkota, as an active bookmaker.

Telephone records of BENJAMIN NICOLETTI, JR.'s home telephone indicate that at least on one occasion a call emanated therefrom to a telephone number known to be used and connected with known bookmakers and gamblers in Toronto, Ontario, Canada. As previously noted in the discussion of RALPH FAVA, BENJAMIN NICOLETTI, JR. has been frequently observed to be at FAVA's home during prime bookmaking time. FAVA's telephone, during prime bookmaking time, has been used to transmit and receive calls from and to numbers associated with foreign and New York State bookmaking interests.

As previously described, BENJAMIN NICOLETTI, JR. has been personally observed on recent occasions at the residences of LOUIS CUBELLO and RONALD APPOLONEY. Personal observations previously described have also placed BENJAMIN NICOLETTI, JR. within the past three months as meeting on numerous occasions GINO MONACO, SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR. Personal

observations have established that BENJAMIN NICOLETTI, JR. meets with BENJAMIN NICOLETTI, SR., immediately prior to the time that BENJAMIN NICOLETTI, SR. meets with PETER A. MAGADDINO. These meetings most frequently occur at the home of BENJAMIN NICOLETTI, SR. at 455 Cayuga Street, Lewiston, New York.

BENJAMIN NICOLETTI, SR.

Address: 455 Cayuga Street, Lewiston, New York
1002 Hewitt Drive, Lewiston, New York

BENJAMIN NICOLETTI, SR., FBI Number 285280, has an arrest record dating from 1930. He has been arrested once for burglary, twice for robbery and five times for gambling violations. He was convicted twice for bookmaking and gambling activity. There is currently pending before the Grand Jury of Niagara County, a gambling charge. He is known to Niagara Falls, New York Police Department, as can be seen more particularly in the affidavit of Lieutenant John E. Belkota, as one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He is further identified by Lieutenant John E. Belkota to be running the gambling operation in Niagara Falls, New York for STEFANO MAGADDINO and PETER A. MAGADDINO.

As previously mentioned, BENJAMIN NICOLETTI, SR. was observed meeting BENJAMIN NICOLETTI, JR. and GINO MONACO at LOUIS TAVANO's Red Carpet Lounge. It has also been noted above that BENJAMIN NICOLETTI, SR. has visited RALPH FAVA's residence. Numerous personal observations reveal that on or about Tuesday morning of each week, BENJAMIN NICOLETTI, SR. meets with BENJAMIN NICOLETTI, JR. Thereafter, and at approximately 2:00 p.m. of each Tuesday, BENJAMIN NICOLETTI, SR. rendezvous with PETER A. MAGADDINO. Their meetings have frequently and most recently taken place at the Your Host Restaurant on Niagara Falls Boulevard, Tonawanda, New York. On a number of these occasions, BENJAMIN NICOLETTI, SR. appeared to be passing an object to PETER A. MAGADDINO. During some of

these meetings, a nearby Special Agent of the Federal Bureau of Investigation overheard large dollar figures being discussed. On one occasion, a placemat on which BENJAMIN NICOLETTI, SR. had written, was recovered containing several numerical notations. After these meetings with PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR. was personally observed to return to one or the other of his two homes, i.e. 455 Cayuga Street, Lewiston, New York or 1002 Hewitt Drive, Lewiston, New York.

PETER MAGADDINO

Address: 1103 22nd Street, Niagara Falls, New York

PETER A. MAGADDINO is known to the Niagara Falls, New York Police Department to be working directly for his father and over BENJAMIN NICOLETTI, SR., collecting the proceeds from bookmaking operations and in turn remitting them to his father, STEFANO MAGADDINO, as can be seen by the affidavit of Lieutenant John E. Belkota.

PETER A. MAGADDINO, as previously noted, has been personally observed to meet with BENJAMIN NICOLETTI, SR. on Tuesdays and receive a package from him. Personal observations indicate that immediately thereafter PETER A. MAGADDINO returns to the Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. On at least one occasion, when it was apparent that his father, STEFANO MAGADDINO was not at the Magaddino Memorial Chapel, PETER A. MAGADDINO bypassed the Chapel and then drove to his own home, 1103 22nd Street, Niagara Falls, New York.

STEFANO MAGADDINO

Business Address: Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York

Home Address: 5118 Dana Drive, Lewiston, New York

STEFANO MAGADDINO is also known to the Niagara Falls, New York Police Department to be in control of all

major gambling and bookmaking activity in Niagara Falls, New York, as can be seen by the affidavit of Lieutenant John E. Belkota. His information concerning STEFANO MAGADDINO is in complete accord with the information and belief of the deponent.

ERNEST REINHART, WALTER CHOMSKI, ALBERT IANNUZZELLI, and his brother LOUIS IANNUZZELLI, all of whom were mentioned in the informant information referred to in Special Agent Joseph E. Griffin, Jr.'s affidavit, are known to the Canadian police to be actively engaged in bookmaking and/or gambling activity in Canada. At least one of them has been convicted on gambling charges, as can be seen by the affidavit of Detective James Moody, a Niagara Falls, Ontario Police Officer. His affidavit is also submitted in support of the issuance of this warrant.

On several occasions during the pertinent period of the investigation, PETER A. MAGADDINO was seen to drive a 1966 black Cadillac, with New York State Registration 8E 2952, to and from the weekly meetings with BENJAMIN NICOLETTI, SR.

On every occasion during the pertinent period of the investigation, BENJAMIN NICOLETTI, SR. drove a 1967 brown Cadillac, with New York State Registration 5280 NF to and from the weekly meetings with PETER A. MAGADDINO.

BENJAMIN NICOLETTI, JR. is the registered owner of a 1967 green Buick, with New York State Registration 9543 NF. He has used this automobile to go to his father's for their weekly meeting. His car has also frequently been seen at his other bookmaking establishments.

PATSY PASSERO is the registered owner of the 1965 red Dodge, with New York State Registration LO 2246. During the pertinent period of this investigation, PATSY PASSERO has used his car on a daily basis and in meeting with other NICOLETTI bookmakers.

Based on all the information above and all the information in the affidavits of Joseph E. Griffin, Jr., John E. Belkota and James Moody, I have reason to believe and do believe as follows:

1. There are gambling records and paraphernalia and evidence of gambling violations in the above-described automobiles.

2. There are gambling records, moneys, telephones, other gambling paraphernalia, and evidence of the commission of gambling violations at the following premises:

(a) Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. I have determined that the Assessor of the City of Niagara Falls, New York, carries this premises as the location of the Magaddino Funeral Home, Inc.;

(b) The home of PETER A. MAGADDINO, 1103 22nd Street, Niagara Falls, New York;

(c) The homes of BENJAMIN NICOLETTI, SR., 455 Cayuga Street, Lewiston, New York, and 1002 Hewitt Drive, Lewiston, New York;

(d) The home of BENJAMIN NICOLETTI, JR., 2654 North Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York, has this property listed as owned by MARGUERITE M. NICOLETTI;

(e) The home of PATSY PASSERO, 2895 Lewiston Road, Niagara Falls, New York;

(f) The business address of MICHAEL FARELLA, The Niagara Sundry Shop, 1216 Niagara Street, Niagara Falls, New York. This Premises is listed by the Assessor of the City of Niagara Falls, New York as owned by ANGELO and ANNA GODINO;

(g) The home of AUGIE RIZZO, 257 Witmer Road, North Tonawanda, New York. This premises is listed by the Assessor of the City of North Tonawanda, as being owned by Saj Trucking and Excavating, Inc.;

(h) The home of SAM PUGLESE, 177 61st Street, Niagara Falls, New York. This premises is listed by the Assessor of the City of Niagara Falls, New York, as owned by NICHOLAS PUGLIESE;

(i) The home of RALPH FAVA, 2241 South Avenue, Niagara Falls, New York;

(j) The home of LOUIS CUBELLO, 2262 Woodlawn Avenue, Niagara Falls, New York;

(k) The home of RONALD APPOLONEY, 513 15th Street, Niagara Falls, New York. This premises is listed by the Assessor for the City of Niagara Falls, New York, as owned by FILIPPINA PAONESSA;

(l) The home of LOUIS TAVANO, 5308 Elm Drive, Lewiston, New York; this premises is listed by the Assessor for the Town of Lewiston, New York, as owned by LEWIS TAVANO.

The full descriptions of the premises which I desire to be searched are set forth in the captions of the warrants submitted.

The information contained in those descriptions was gathered from the following sources:

(1) Barbara Lilly of the Assessors Office of the City of Niagara Falls, New York

(2) Dorothy Clark of the Assessors Office of the Town of Lewiston, New York

(3) Charles Guzzetta of the Assessors Office of the City of North Tonawanda, New York

(4) Personal observations of Special Agents of the Federal Bureau of Investigation.

There are gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations at the following premises:

The house utilized by GINO MONACO in carrying on bookmaking activity, i.e. 1120 Linwood Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York has this property listed as owned by ANTHONY DE NOFRIO.

The full description of this premises is set forth in the caption of the warrant submitted. The description was gathered from the following sources:

Barbara Lilly, the Assessors Office of the City of Niagara Falls, New York; and personal observations of Special Agents of the Federal Bureau of Investigation.

Raymond C Kresge
Special Agent, Federal Bureau of Investigation

Sworn to and subscribed before me this 26th day of November, 1968

Edward A Manning
United States Commissioner

AFFIDAVIT

I, Joseph E. Griffin, Jr., having been duly sworn, depose and say:

I have been a Special Agent of the Federal Bureau of Investigation, assigned to the Buffalo Division of that Bureau for over four years, during which time I have been assigned to investigate gambling cases. I would estimate that I have investigated in excess of 100 gambling cases.

In the course of these investigations, I have been called upon to testify in judicial proceedings concerning and Grand Jury investigations of illegal gambling activity. In an attempt to make my investigations more meaningful, I have discussed with more experienced fellow officers, of local as well as Federal jurisdiction, the nature and operation of illegal gambling and bookmaking enterprises. I have also, from time to time, discussed with known convicted bookmakers the nature of their operation.

Based upon my experiences in gambling investigations, I can make the following observations. Conducting the business of bookmaking involves several levels of participation with the participants at each level necessarily maintaining records of their transactions with people above and below their echelon of activity. Bookmakers generally recognize that making use of telephones in interstate commerce in the conduct of their business violates Federal law. They go to great lengths not only to camouflage their bookmaking activities, but also to insulate themselves from any such use of interstate telephone calls. Such use is, at times, nonetheless necessary. Interstate and foreign telephone calls are made generally for one or both of these reasons: to "lay off" bets; to get "line information." "Laying off" bets means to place bets on the same horse or team

in a sporting event on which the bookmaker has accepted bets, so that he in effect is betting both ways. The purpose is to protect against heavy losses. "Line information" is information about the odds or point spread on a particular horse or sporting event on a given day.

I can say also that to guard against prosecution, important bookmakers commonly hire people to perform the hazardous functions of the bookmaking enterprise, such as accepting and laying off wagers. Where this is done, it is essential that there be some system for "settling up" accounts between employer and employee. That is, the proceeds of the operation collected by the employees from losing bettors must be passed on to the employers in the bookmaking operation. In some bookmaking operations, the settling up process is done on a weekly basis.

In virtually all gambling cases and bookmaking cases, as well as others involving different crimes, I have dealt with confidential informants. During the past four years, I have continuously received and used information from one particular confidential informant, whose information has proven to be extremely reliable. Information from this informant has resulted in numerous local and Federal arrests, and numerous convictions.

As long as several months ago, this above mentioned informant had advised me that Benjamin Nicoletti, Sr., of Lewiston, New York, was supervising a bookmaking operation for Stefano Magaddino of Lewiston, New York. During September, October, and November of 1968, this same informant advised me that this same operation was continuing and supplied me with the specific details of how the bookmaking operation was being conducted. The informant advised me that he had learned these details from Benjamin Nicoletti, Sr. and Peter A. Magaddino, during the same period that he was giving me the information; i.e.,

September, October, and November, 1968. The details so supplied to me by the informant are as follows:

Benjamin Nicoletti, Sr., in carrying on the bookmaking operation for Stefano Magaddino, deals directly through his son, Benjamin Nicoletti, Jr. Benjamin Nicoletti, Jr., acting on behalf of his father, Benjamin Nicoletti, Sr., employs Patsy Passero, Gino Monaco, Louis Tavano, Sam Puglese, Augie Rizzo, and Mike Farella as bookmakers. Their primary function is to accept wagers from and settle up with bettors. Benjamin Nicoletti, Jr. exericses some degree of control over these operations, normally by being accessible to them by telephone during bookmaking hours in order to solve any difficulties arising out of the bookmaking operation.

The informant advised that Benjamin Nicoletti, Jr. also engages in actual bookmaking in conjunction with the above described operation. The informant said that Benjamin Nicoletti, Jr. personally runs the sports book which involves the accepting and sometimes laying off of wagers on sporting contests as contrasted to horse races.

The same informant further advises that one of the above-named employees is designated by Benjamin Nicoletti, Jr. to lay off excess action to certain notorious bookmakers in Canada, and to accept lay-off action from them. The Canadians named by the informant are the Iannuzzellis, Ernest Reinhart, and Walter Chomski; all of whom live in the Province on Ontario.

The informant advised that during October, 1968, Benjamin Nicoletti, Jr. operated his bookmaking enterprises at Niagara Falls, New York telephone number 284-0879 (subsequently determined to be listed to Ralph Fava, 2241 South Avenue, Niagara Falls, New York), and at Niagara Falls, New York telephone number 284-8559 (subsequently determined to be listed to Ronald Appoloney, 513 15th Street, Niagara Falls, New York). Sometime during November, 1968, Benjamin Nicoletti, Jr. began to also use in connection with his bookmaking enterprise Niagara Falls, New York telephone number 285-7798

(subsequently determined to be listed to Louis Cubello, 2262 Woodlawn Avenue, Niagara Falls, New York). The informant further advised that Augie Rizzo is currently accepting wagers for Benjamin Nicoletti, Jr. in North Tonawanda, New York, and is using telephone number 694-3312 to accept betting action. (This telephone number was subsequently determined to be listed to Irene Durick, 257 Witmer Road, North Tonawanda, New York.)

The above-mentioned informant advised as follows regarding settling up in the operation. The employees named above settle up with the bettors and then with Benjamin Nicoletti, Jr. sometime prior to Tuesday of each week.

Once a week, normally on Tuesday, Benjamin Nicoletti, Jr. meets with his father to balance their books, with the son passing on to the father the percentage of the profits due the father and the percentage of profits due Stefano Magaddino. Also on Tuesday, Benjamin Nicoletti, Sr. similarly settles up with Stefano Magaddino. For purposes of this task, Benjamin Nicoletti, Sr. meets with Peter A. Magaddino, Stefano Magaddino's son, and passes on the share due Stefano Magaddino. Peter A. Magaddino then promptly delivers the proceeds to his father, Stefano Magaddino.

The same informant advised me that over the past several years, Stefano Magaddino has used the Magaddino Memorial Chapel in the informant's presence as a meeting place for the transaction of business related to illegal bookmaking, gambling, and loan-sharking activities. The business so conducted consisted of reporting on problems as they arose, and settling up of accounts. He further advised that Stefano Magaddino controls all major bookmaking and gambling activity in Niagara Falls, New York. Additionally, he advised that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Since I have been assigned to the Buffalo Office of the Federal Bureau of Investigation, I have received information from more than five confidential

informants, all of whom have given other information which proved reliable, that Stefano Magaddino controls all large scale bookmaking and gambling activity in Niagara Falls, New York. On November 22, 1968, I spoke to two informants, both of whom have given reliable information in the past, and neither of whom is the one I have referred to above. Each informant on that occasion advised me that Stefano Magaddino still controls all large scale bookmaking, gambling, and loan shark activity in Niagara Falls, New York. One of the two also confirmed that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Joseph E. Griffin, Jr.

Sworn to and subscribed before me
this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, John E. Belkota, being duly sworn, depose and say:

I am a Lieutenant in the Niagara Falls Police Department on which force I have worked for 17 years. For the past 9 years, I have participated in more than 100 investigations of bookmaking and related crimes and have participated in the arrests of more than 200 individuals on such charges. Virtually all led to convictions or pleas of guilty. During that time, I have had extensive contact with confidential informants.

For the past several years, I have received information from several informants, all of whom have given reliable information in the past leading to arrests and convictions on bookmaking charges, that Benjamin Nicoletti, Sr. runs a large bookmaking operation. Overseeing the daily activities of the operation is his son, Benjamin Nicoletti, Jr.

During September, October and November of 1968, I have received information from several of these reliable informants that Gino Monaco, Sam Puglese and Mike Farella are working as bookmakers for the Nicoletti's. Their operations consist primarily of accepting wagers by telephone, collecting from losing bettors and paying off winners. During November, 1968, one of these reliable informants advised me that Louis Tavano also is working as a bookmaker for the Nicoletti's.

The same reliable informants have also advised me during the period September, October and November of 1968, that Patsy Passero deals with Benjamin Nicoletti, Jr. in a lay off operation.

The information from the above mentioned informants has been corroborated by investigation conducted by members of my Confidential Squad. For instance, I was advised that the residences of Ralph Fava, Ronald Appoloney and an apartment above a branch post office in Niagara Falls, New York, were being used at various times as telephone rooms. Subsequent physical surveillance by detectives in my unit placed the bookmakers at these premises during prime bookmaking hours.

Prime bookmaking hours consist of those times when wagering is most heavily conducted. For horse races, this is usually 1:00 P.M. to 5:00 P.M., Monday through Saturday. For other sporting contests commonly played on weekends, the prime time is generally 1:00 P.M. to 4:00 P.M., on Saturday and Sunday.

Based upon my trust in the reliability of the above mentioned informant information, investigation which that informant stimulated, and my experience investigating gambling and bookmaking cases in Niagara Falls, New York for the past 9 years, I can state the following:

I know Gino Monaco to have an extensive bookmaking record and to be a long time associate of Benjamin Nicoletti, Jr. and Benjamin Nicoletti, Sr. in their gambling operation. It is my present opinion and firm belief that he is presently engaged in bookmaking and is working for the Nicoletti's in that operation.

I know Sam Puglese also to have a criminal record for gambling type cases and to be an associate of the Nicoletti's. He is now engaged as a bookmaker in the Nicoletti operation.

Mike Farella is also known to me to have a criminal record for gambling type cases. He also is an associate of the Nicoletti's. It is my present opinion and firm belief that he too is a bookmaker in the Nicoletti operation.

I know Patsy Passero to have a criminal record for bookmaking and other crimes. He, too, is a long time associate of the Nicoletti's. He is presently working with them in a lay off capacity.

Benjamin Nicoletti, Jr. has an extensive criminal record for gambling violations. He is engaged in bookmaking activities with the bookmakers named above and his father.

I know Benjamin Nicoletti, Sr. to have a criminal record for gambling and bookmaking violations. At the present time he is one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He runs the operation directly for Stefano Magaddino and Peter A. Magaddino.

This information regarding bookmaking operations by Benjamin Nicoletti, Sr. and Benjamin Nicoletti, Jr. over the past several years and specifically in the past three months, has included information that Benjamin Nicoletti, Sr. works for Peter A. Magaddino and that profits of the operation go in part to Peter A. Magaddino and Stefano Magaddino. The distribution of revenue is as follows: Benjamin Nicoletti, Jr. collects from the employee bookmakers. He passes money up to Benjamin Nicoletti, Sr. Benjamin Nicoletti, Sr. meets with Peter A. Magaddino and passes money to him. Peter A. Magaddino passes the money on to Stefano Magaddino, for whom he works.

The same reliable confidential informants have advised me over the past several years that Stefano Magaddino controls all major gambling and bookmaking activity in Niagara Falls, New York. This information has been confirmed as recently as the past month by an informant whose information has always proven reliable.

Sworn to and Subscribed
Before Me This 26 Day of
November, 1968

United States Commissioner

John E. Belkota
JOHN E. BELKOTA

AFFIDAVIT

I, James Moody, being duly sworn, depose and say:

I am presently employed by the City of Niagara Falls Police Department, Niagara Falls, Ontario, Canada, in the position of Detective in Charge of the Special Branch.

My primary duties consist of supervising and conducting investigations relating to criminal intelligence, vice, bookmaking and gambling. I have been a police officer for the City of Niagara Falls, Ontario, Canada for the past 14 years and served in my present position for the past 2½ years. I have testified on numerous occasions in the prosecution of bookmaking cases. I have participated in over 100 arrests of bookmakers and gamblers.

Ernest Albert Reinhart, Niagara Falls, Ontario, Canada Police Department Number 4122, resides at 1001 Stanley Avenue, Niagara Falls, Ontario, Canada. During the period of 1955 through 1967, this man has been convicted twice of keeping a common betting house; i.e., an establishment used for bookmaking. In 1967, he was sentenced to jail for one year and fined $4,000 for engaging in bookmaking. It is my present opinion and firm belief that this man is presently one of the largest active bookmakers in Ontario.

I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 354-0264 is subscribed to the Demitasse Gift Shop, located on Clifton Hill in Niagara Falls, Ontario, Canada.

I have determined through investigation that Reinhart, who is co-owner of the Demitasse Gift Shop, is utilizing telephone number 354-0264 in the furtherance of his bookmaking operation.

It is also a matter of public record that Ernest Reinhart is a known gambler, who associates with the gambling element in the City of Niagara Falls, Ontario. The public record I refer to is the 1964 copy of the Report of the Ontario Police Commission on Organized Crime, Page 45, wherein it is set forth that Reinhart is engaged in gambling activity.

George Zarafonitis, at the present time, resides at 1100 Center Street, Unit 11, Niagara Falls, Ontario, Canada. During the period of 1940 through 1959, this person's criminal record shows that he has been convicted on several occasions for being found in a gaming house and being a keeper of a gaming house. At the present time, it is my opinion and firm belief that George Zarafonitis is currently and extensively engaged in bookmaking activity within the Province of Ontario, Canada.

I have determined through investigation that George Zarafonitis is utilizing telephone number 356-5303 in the furtherance of his bookmaking operation. I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 356-5303 is subscribed to by George Zarafonitis, 1100 Center Street, Niagara Falls, Ontario.

I have also determined through investigation that George Zarafonitis is also utilizing telephone number 358-9064 in furtherance of his bookmaking activity. In accordance with records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, it was determined that telephone number 358-9064 is subscribed to by Van's Candy Kitchen, Niagara Falls, Ontario. George Zarafonitis is the Manager of Van's Candy Kitchen and is using that telephone for bookmaking purposes.

Walter Chomski resides at 1331 Crestdale Road, Mississauga, Ontario, Canada. This man is now using the name of Charles Watson.

I have had knowledge of Walter Chomski and that he has been extensively engaged in bookmaking activities over the past several years. It is my present opinion and firm belief that he has been actively and extensively engaged in bookmaking activities.

Albert Joseph Pitts resides at 862 Second Avenue, Niagara Falls, Ontario, Canada, and in 1959, this man was arrested for keeping a common betting house and fined $500. He is known by me to associate with gamblers and bookmakers in the City of Niagara Falls, and has made frequent trips out of town in connection with and furtherance of his gambling activity.

It is my present belief and firm opinion that Pitts is currently engaged in gambling activity.

Albert Iannuzzelli is co-owner of the Hilltop Motel, located on Clifton Hill in Niagara Falls, Ontario, Canada. He is a close associate of Ernest Reinhart and for a number of years has been involved in gambling in Niagara Falls, Ontario, Canada.

He has no criminal record, but it is a matter of public record that he is engaged in gambling activity.

I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the participation of Albert and Louis Iannuzzelli in gambling activity. In that report they are listed as Canadian backers of the Ramsey Club, a now defunct gambling club. The report also sets out that the Hilltop Motel was being utilized as a meeting place for the Iannuzzellis and Benjamin Nicoletti, Sr.

Louis Iannuzzelli, brother of Albert Iannuzzelli, is a co-owner of the Hilltop Motel, located at Clifton Hill, Niagara Falls, Ontario, Canada.

Louis Iannuzzelli is a close associate of Ernest Reinhart and for a number of years has been involved in gambling activity at Niagara Falls, Ontario, Canada.

Louis Iannuzzelli has no criminal record; however, his gambling activity is a matter of public record and I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the gambling activities of Louis Iannuzzelli.

It is my present opinion and firm belief that Albert and Louis Iannuzzelli are currently actively engaged in gambling activities.

Mrs. Elaine Marion Barker, 99 Connolly Avenue, Toronto, Ontario, Canada, has Metropolitan Toronto, Ontario Police Department Number 2282/63. The Metropolitan Toronto Police Department advises me that Mrs. Barker has been arrested for theft in 1961 and 1967. They have also advised that she is currently on bail as of November 1, 1968, on a charge of keeping a common betting house.

Bert Nero, 2379 Russell Street, Niagara Falls, Ontario, and who has Niagara Falls, Ontario Police Department Number 1815, is a convicted bookmaker. It is my present opinion and firm belief that this man is currently and actively engaged in gambling.

Ronnie Garth Masotti, 1783 Ferry Street, Niagara Falls, Ontario, is known to me as a professional gambler in the Ontario Canada and Western New York, United States area. He has Niagara Falls, Ontario Police Department Number 1608 and has a criminal record dating from 1958 through 1967. My investigation has revealed that this man's telephone number 356-1466 has been in contact with one Patsy Passero of Niagara Falls, New York. It is my present opinion and firm belief that this man is currently and actively engaged in gambling activities within the Province of Ontario and Western District of New York, United States area.

Police officials of the Hamilton Police Department, advise me that F. M. Golo is actively engaged in bookmaking.

Police officials of the Metropolitan Toronto Police Department advise me that the Executive Club, 491 Lawrence Avenue, West, Toronto, Ontario, Canada, is known as a hangout for gamblers and bookmakers.

I have caused a check of the Canadian Bell Telephone Company, Toronto, Ontario, Canada, to be made and I have determined that telephone number 789-5347 in Toronto, Ontario, Canada, is subscribed to the Executive Club. Police officials of the Metropolitan Toronto Police Department advise me that Jack Beal of Toronto, Ontario Canada is actively involved in gambling and has access to this telephone.

James Moody

Sworn to and Subscribed
Before Me This 25 Day
of November, 1968

United States Commissioner

cr-1968-196

Form A. O. 90 (Rev. 7-26-50)

Commissioner's Warrant of Arrest

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 111

UNITED STATES OF AMERICA

v

STEFANO MAGADDINO

WARRANT OF ARREST

To any authorized Agent of the Federal[1] Bureau of Investigation:

You are hereby commanded to arrest STEFANO MAGADDINO (here insert name of defendant or description), and bring him forthwith before the nearest available United States Commissioner to answer to a complaint charging him with being engaged in the business of gambling and bookmaking in violation of the laws of the State of New York, and knowingly conspiring to use and using and causing to be used telephone facilities in foreign commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said gambling and bookmaking business, (here describe offense charged in complaint) in violation of U.S.C. Title, 18, Sections 1952, 2, and 371.

Date November 26, 1968.

Edward J. Maxwell
United States Commissioner.

1. Here insert designation of officer to whom warrant is issued.

RETURN

Received November 26, 1968 at Buffalo, N.Y. and executed by arrest of Stefano Magaddino at Lewiston, N.Y. on November 29, 1968.

Neil D. Welch
Name.
Special Agent in Charge - FBI
Title.
Western District of New York

Date November 29, 1968.

By ....., Deputy

#23-a.

Form A.O. 91 (Rev.12-1-58) **Complaint**

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v

STEFANO MAGADDINO, PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR., BENJAMIN NICOLETTI, JR., GINO FRANK MONACO, SAM JOSEPH PUGLESE, MICHAEL FARELLA, AUGUSTINE RIZZO, JR. a/k/a Augie Rizzo, PATSY PASSERO, and LOUIS TAVANO.

Commissioner's Docket No. 68

Case No. 111.

COMPLAINT for VIOLATION of

U.S.C. Title 18

Sections 1952, 2 and 371

BEFORE Edmund F. Maxwell, 1112 Prudential Building, Buffalo, New York
Name of Commissioner — Address of Commissioner

The undersigned complainant being duly sworn states:
That during the months of September, October, and November, 1968, up to and including the date of this complaint, at Niagara Falls, New York, Lewiston, New York, North Tonawanda, New York, Tonawanda, New York, and elsewhere in the State and Western District of New York

(1) STEFANO MAGADDINO, PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR., BENJAMIN NICOLETTI, JR., GINO FRANK MONACO, SAM JOSEPH PUGLESE, MICHAEL FARELLA, AUGUSTINE RIZZO, JR. a/k/a/ Augie Rizzo, PATSY PASSERO, and LOUIS TAVANO

did (2) while engaged in the business of gambling and bookmaking in violation of the laws of the State of New York, knowingly conspire to use, use and cause to be used, telephone facilities in foreign commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said gambling and bookmaking business.

And the complainant states that this complaint is based on the attached affidavits of Special Agent Raymond C. Kruger, Special Agent Joseph E. Griffin, Jr., Detective James Moody and John E. Belkota

And the complainant further states that he believes that

are material witnesses in relation to this charge.

Raymond C. Kruger

Raymond C. Kruger, S.A., *Signature of Complainant.*
F.B.I.
Official Title.

Sworn to before me, and subscribed in my presence, November 26, 19 68

United States Commissioner.

(1) *Insert name of accused.*
(2) *Insert statement of the essential facts constituting the offense charged.*

AFFIDAVIT

I, Raymond C. Kruger, being duly sworn, depose and say:

I have been employed as a Special Agent of the Federal Bureau of Investigation for over 17 years, and have worked for the past five years in the Buffalo Division of the Federal Bureau of Investigation. During this period of time, I have regularly participated in investigating gambling and bookmaking matters. I have participated in investigating in excess of 50 such gambling and bookmaking cases. I have participated in numerous Grand Jury investigations of gambling and bookmaking matters.

Fellow Special Agent, Joseph E. Griffin, Jr., received certain information from an informant regarding the conduct of a bookmaking operation involving STEFANO MAGADDINO, BENJAMIN NICOLETTI, SR., PETER A. MAGADDINO, SAM PUGLESE, AUGIE RIZZO, MIKE FARELLA, LOUIS TAVANO, of the United States, the IANNUZZELLIs, ERNEST REINHART, WALTER CHOMSKI of Canada, and also involving New York telephone numbers, the subscribers of which were determined to be RALPH FAVA, LOUIS CUBELLO and RONALD APPOLONEY.

Based on this informant information received by Special Agent Joseph E. Griffin, Jr., and more fully set out in his affidavit, submitted in application for the warrant herein sought, I began an investigation which consisted of collecting available information and gathering new information relative to the information received from the proven reliable informant. In the course of this investigation, I gathered available information concerning the personal reputations and criminal records of the individuals alleged to be involved. In addition, certain physical observations which had been conducted were reviewed and certain new physical observations were commenced.

Information from the telephone company was gathered as to toll calls emanating from certain telephones. The personal observations were made by the Niagara

Falls, New York Police Department and the Federal Bureau of Investigation. Several officers of the Niagara Falls Police Department and numerous Agents of the Federal Bureau of Investigation were involved in carrying out these physical observations.

The information gathered in the course of this investigation is as follows:

PATSY PASSERO

Address: 2895 Lewiston Road, Niagara Falls, New York

PATSY PASSERO, FBI Number 2210855, identified by the informant as a bookmaker working for the NICOLETTIs, has an arrest record which dates from 1940 to 1967. He has been arrested three times for burglary, once for suspicion of robbery and one time for bookmaking. He has been convicted twice of burglary and once for bookmaking offenses. According to Lieutenant John E. Belkota, he is a long-time associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR., identified by the informant as the supervisors of their operation, and is presently associated with them in a "lay off" capacity.

Over the past six months, numerous telephone calls have emanated from the PASSERO residence during the prime bookmaking time. Many were made to Canada to known bookmaking establishments and persons connected with bookmaking and gambling. In addition to the foreign calls, there were interstate calls made to numbers commonly associated with bookmaking and gambling.

During this same period of time, calls were made from Canada, from numbers known to be connected with bookmaking activity to the telephone at the residence of PATSY PASSERO.

Personal observations during the month of November, 1968, further indicate that PATSY PASSERO is at home during the prime bookmaking hours. PASSERO's car has been spotted on occasions as recently as November, 1968, in the vicinity of the Niagara Sundry, the place

of business of MIKE FARELLA, identified by the informant as a bookmaker for the NICOLETTIs.

On one occasion, during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO, was seen meeting and talking with PATSY PASSERO. TAVANO has also been identified as a bookmaker for the NICOLETTIs.

GINO MONACO

Address: Sleepy Time Motel, 6831 Pine Avenue, Niagara Falls, New York

GINO MONACO, also known as Gino Frank Monaco, FBI Number 322281D, also identified by the informant as a bookmaker for the NICOLETTIs, has a criminal record dating from February 8, 1955 through June 12, 1967, during which time he has been charged with and convicted of gambling violations on three different occasions. Investigation revealed no present legitimate source of income for GINO MONACO. In addition to that, as can be seen more particularly from the affidavit of Lieutenant John E. Belkota, which is also submitted in connection with the warrant herein sought, MONACO is known to the Niagara Falls Police Department as a long-time associate of BENJAMIN NICOLETTI, JR., and BENJAMIN NICOLETTI, SR., in their gambling operation, and is presently believed to be personally engaged in bookmaking for the NICOLETTIs.

Personal observation of MONACO on November 15, 1968, placed him at the address of 1120 Linwood, Niagara Falls, New York, during prime bookmaking time. During the same week, his automobile was seen near the same address.

The same premises were also visited by BENJAMIN NICOLETTI, JR. during that week during prime bookmaking hours.

Personal observations as recently as during the past week indicate that MONACO visits BENJAMIN NICOLETTI, JR. at the latter's home. A physical observation on Monday night, November 18, 1968, also placed MONACO in a meeting with BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR. for at least a four-hour period at the

then closed Red Carpet Lounge. During the month of November, 1968, GINO MONACO was observed meeting with MIKE FARELLA, previously identified as one of NICOLETTI's bookmakers, at a shop known as Mario's. Mario's sells various racing forms on a daily basis.

SAM PUGLESE

Address: 177 61st Street, Niagara Falls, New York

SAM PUGLESE, FBI Number 70402G, identified by the informant as one of NICOLETTI's bookmakers, has been arrested and convicted on gambling charges in 1964 and 1967. Investigation reveals no legitimate source of income for SAM PUGLESE. Again referring to the affidavit of Lieutenant John E. Belkota, it appears therein that SAM PUGLESE is known to the Niagara Falls, New York Police Department as an active bookmaker and associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

During September, October and November, 1968, personal observations have on numerous occasions placed PUGLESE at the house of RALPH FAVA during prime bookmaking time. The telephone subscribed to by Ralph Fava was identified by the informant as used in the NICOLETTI bookmaking operation. On each of these occasions, BENJAMIN NICOLETTI, JR. was also there during said prime bookmaking time. As noted infra, FAVA's telephone has been used to contact other bookmakers.

MIKE FARELLA

Business Address: Niagara Sundry, 1216 Niagara Street, Niagara Falls, New York

MIKE FARELLA, FBI Number 804012, identified by the informant as a bookmaker for the NICOLETTIs, from 1934 to 1967, has been arrested five times and convicted four times for gambling activity. Again referring to Lieutenant John E. Belkota's affidavit, he is known as an associate of BENJAMIN NICOLETTI, JR. and BENJAMIN

NICOLETTI, SR., and is presently believed to be a bookmaker in that operation. Up to and including the present time, personal observations have revealed that the Sundry Shop is not operated under normal conditions. It was noted that its door is locked and admittance can be gained only by attracting the attention of those inside.

As noted supra, personal observation has placed MIKE FARELLA meeting with GINO MONACO, at a shop known as Mario's.

LOUIS TAVANO

Address: 5308 Elm Drive, Lewiston, New York

LOUIS C. TAVANO, identified by informant as one of the bookmakers working for the NICOLETTIs, is known to the Niagara Falls, New York Police Department as an active bookmaker. Lieutenant Belkota identifies him as working in that capacity for BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

Over the past two months numerous foreign, interstate and intrastate telephone calls have emanated from LOUIS TAVANO's residence at 5308 Elm Drive, Lewiston, New York. Telephone numbers known to be utilized by ERNEST REINHART, a notorious bookmaker in Ontario, Canada, are among those called. In addition, these same numbers in Canada are used to place calls to TAVANO in Lewiston, New York during the same period of time. Numerous additional calls were emanating during the same period from the TAVANO residence to a telephone number used by ANGELO BONITO, identified to me by the Buffalo Police Department as a known bookmaker in Buffalo, New York. During the same two-month period, numerous calls emanated from this same Buffalo telephone number to TAVANO. The telephone number used by Bonito was used to make calls to the RALPH FAVA residence in Niagara Falls, New York. RALPH FAVA's home and telephone are identified elsewhere in this affidavit and in the affidavit of Joseph E. Griffin, Jr., as used by BENJAMIN NICOLETTI, JR. in the carrying on of his bookmaking operation.

Personal observations have also placed BENJAMIN NICOLETTI, JR., BENJAMIN NICOLETTI, SR. and GINO MONACO at a meeting at TAVANO's Red Carpet Lounge, Pine Avenue, Niagara Falls, New York, on Monday, November 18, 1968. It was noted that at the time of this observation, the Red Carpet Lounge was not open for business. During the course of this same observation and at the conclusion of the meeting among the above three mentioned individuals, BENJAMIN NICOLETTI, JR. was seen to secure and lock the front door of TAVANO's restaurant and place the key in his pocket.

On one occasion during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO was seen meeting and talking with PATSY PASSERO.

AUGIE RIZZO

Address: 257 Witmer Road, North Tonawanda, New York

AUGUSTINE RIZZO, JR., identified by informant as a bookmaker for the NICOLETTIs, is also known as Augie Rizzo, and is known to Lieutenant Frank Malone, North Tonawanda, New York Police Department to be residing at 257 Witmer Road, North Tonawanda, New York with one Irene Durick. Lieutenant Malone advised on November 25, 1968 based upon informants and independent investigation that RIZZO is presently and has been for the past three months actively engaged in bookmaking. Lieutenant Malone advises that he has also determined that Rizzo is utilizing the telephone subscribed to by Irene Durick, 257 Witmer Road, North Tonawanda, New York, for bookmaking purposes.

Over the past six months, numerous telephone calls have emanated from the Durick residence during prime bookmaking time, to known bookmakers and bookmaking establishments.

RONALD APPOLONEY, RALPH FAVA and LOUIS CUBELLO are the subscribers to the telephones identified by the informant as being used in the NICOLETTI bookmaking operation.

RONALD APPOLONEY

Address: 513 15th Street, Niagara Falls, New York
Telephone: 716 284-8559

Personal observations of RONALD APPOLONEY's residence during October and November, 1968 place BENJAMIN NICOLETTI, JR. at that residence. As will be noted, infra, RONALD APPOLONEY has during the past two months, been seen to visit the residences of RALPH FAVA and BENJAMIN NICOLETTI, JR.

RALPH FAVA

Address: 2241 South Avenue, Niagara Falls, New York
Telephone: 716-284-0879
716-284-0792

Over the past six months, telephone calls have emanated from the residence of RALPH FAVA to telephone numbers in Canada associated with bookmakers and gamblers. Numerous calls over the past six months have gone from FAVA's house to a number known to be used by a bookmaker in Buffalo, New York. These calls were frequently made during prime bookmaking hours. As above-noted, in the discussion of LOUIS TAVANO, numerous telephone calls have come from a different Buffalo, New York bookmaking operation to a telephone at FAVA's residence. It is also noted that on September 13, 1968, a second and additional telephone with a separate and distinct number was installed in FAVA's home.

Extensive personal observation of the FAVA residence since September, 1968, revealed that it was very frequently visited by BENJAMIN NICOLETTI, JR. during the period of prime bookmaking time. Periodically over the past three months, FAVA's residence has also been visited by SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR.

LOUIS CUBELLO

Address: 2262 Woodlawn Avenue, Niagara Falls, New York
Telephone: 716-285-7798

In November, 1968, BENJAMIN NICOLETTI, JR. has been observed to be at LOUIS CUBELLO's residence during prime bookmaking time.

BENJAMIN NICOLETTI, JR.

Address: 2654 North Avenue, Niagara Falls, New York

BENJAMIN NICOLETTI, JR., FBI Number 80339G has been arrested five times from 1964 to 1967, for gambling offenses. He has been convicted on two of these charges, and he has gambling charges pending. Investigation has revealed no legitimate source of income for BENJAMIN NICOLETTI, JR. He is known to the Niagara Falls, New York Police Department as can be seen by the affidavit of Lieutenant John E. Belkota, as an active bookmaker.

Telephone records of BENJAMIN NICOLETTI, JR.'s home telephone indicate that at least on one occasion a call emanated therefrom to a telephone number known to be used and connected with known bookmakers and gamblers in Toronto, Ontario, Canada. As previously noted in the discussion of RALPH FAVA, BENJAMIN NICOLETTI, JR. has been frequently observed to be at FAVA's home during prime bookmaking time. FAVA's telephone, during prime bookmaking time, has been used to transmit and receive calls from and to numbers associated with foreign and New York State bookmaking interests.

As previously described, BENJAMIN NICOLETTI, JR. has been personally observed on recent occasions at the residences of LOUIS CUBELLO and RONALD APPOLONEY. Personal observations previously described have also placed BENJAMIN NICOLETTI, JR. within the past three months as meeting on numerous occasions GINO MONACO, SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR. Personal

observations have established that BENJAMIN NICOLETTI, JR. meets with BENJAMIN NICOLETTI, SR., immediately prior to the time that BENJAMIN NICOLETTI, SR. meets with PETER A. MAGADDINO. These meetings most frequently occur at the home of BENJAMIN NICOLETTI, SR. at 455 Cayuga Street, Lewiston, New York.

BENJAMIN NICOLETTI, SR.

Address: 455 Cayuga Street, Lewiston, New York
1002 Hewitt Drive, Lewiston, New York

BENJAMIN NICOLETTI, SR., FBI Number 285280, has an arrest record dating from 1930. He has been arrested once for burglary, twice for robbery and five times for gambling violations. He was convicted twice for bookmaking and gambling activity. There is currently pending before the Grand Jury of Niagara County, a gambling charge. He is known to Niagara Falls, New York Police Department, as can be seen more particularly in the affidavit of Lieutenant John E. Belkota, as one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He is further identified by Lieutenant John E. Belkota to be running the gambling operation in Niagara Falls, New York for STEFANO MAGADDINO and PETER A. MAGADDINO.

As previously mentioned, BENJAMIN NICOLETTI, SR. was observed meeting BENJAMIN NICOLETTI, JR. and GINO MONACO at LOUIS TAVANO's Red Carpet Lounge. It has also been noted above that BENJAMIN NICOLETTI, SR. has visited RALPH FAVA's residence. Numerous personal observations reveal that on or about Tuesday morning of each week, BENJAMIN NICOLETTI, SR. meets with BENJAMIN NICOLETTI, JR. Thereafter, and at approximately 2:00 p.m. of each Tuesday, BENJAMIN NICOLETTI, SR. rendezvous with PETER A. MAGADDINO. Their meetings have frequently and most recently taken place at the Your Host Restaurant on Niagara Falls Boulevard, Tonawanda, New York. On a number of these occasions, BENJAMIN NICOLETTI, SR. appeared to be passing an object to PETER A. MAGADDINO. During some of

these meetings, a nearby Special Agent of the Federal Bureau of Investigation overheard large dollar figures being discussed. On one occasion, a placemat on which BENJAMIN NICOLETTI, SR. had written, was recovered containing several numerical notations. After these meetings with PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR. was personally observed to return to one or the other of his two homes, i.e. 455 Cayuga Street, Lewiston, New York or 1002 Hewitt Drive, Lewiston, New York.

PETER MAGADDINO

Address: 1103 22nd Street, Niagara Falls, New York

PETER A. MAGADDINO is known to the Niagara Falls, New York Police Department to be working directly for his father and over BENJAMIN NICOLETTI, SR., collecting the proceeds from bookmaking operations and in turn remitting them to his father, STEFANO MAGADDINO, as can be seen by the affidavit of Lieutenant John E. Belkota.

PETER A. MAGADDINO, as previously noted, has been personally observed to meet with BENJAMIN NICOLETTI, SR. on Tuesdays and receive a package from him. Personal observations indicate that immediately thereafter PETER A. MAGADDINO returns to the Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. On at least one occasion, when it was apparent that his father, STEFANO MAGADDINO was not at the Magaddino Memorial Chapel, PETER A. MAGADDINO bypassed the Chapel and then drove to his own home, 1103 22nd Street, Niagara Falls, New York.

STEFANO MAGADDINO

Business Address: Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York
Home Address: 5118 Dana Drive, Lewiston, New York

STEFANO MAGADDINO is also known to the Niagara Falls, New York Police Department to be in control of all

major gambling and bookmaking activity in Niagara Falls, New York, as can be seen by the affidavit of Lieutenant John E. Belkota. His information concerning STEFANO MAGADDINO is in complete accord with the information and belief of the deponent.

ERNEST REINHART, WALTER CHOMSKI, ALBERT IANNUZZELLI, and his brother LOUIS IANNUZZELLI, all of whom were mentioned in the informant information referred to in Special Agent Joseph E. Griffin, Jr.'s affidavit, are known to the Canadian police to be actively engaged in bookmaking and/or gambling activity in Canada. At least one of them has been convicted on gambling charges, as can be seen by the affidavit of Detective James Moody, a Niagara Falls, Ontario Police Officer. His affidavit is also submitted in support of the issuance of this warrant.

On several occasions during the pertinent period of the investigation, PETER A. MAGADDINO was seen to drive a 1966 black Cadillac, with New York State Registration 8E 2952, to and from the weekly meetings with BENJAMIN NICOLETTI, SR.

On every occasion during the pertinent period of the investigation, BENJAMIN NICOLETTI, SR. drove a 1967 brown Cadillac, with New York State Registration 5280 NF to and from the weekly meetings with PETER A. MAGADDINO.

BENJAMIN NICOLETTI, JR. is the registered owner of a 1967 green Buick, with New York State Registration 9543 NF. He has used this automobile to go to his father's for their weekly meeting. His car has also frequently been seen at his other bookmaking establishments.

PATSY PASSERO is the registered owner of the 1965 red Dodge, with New York State Registration LO 2246. During the pertinent period of this investigation, PATSY PASSERO has used his car on a daily basis and in meeting with other NICOLETTI bookmakers.

Based on all the information above and all the information in the affidavits of Joseph E. Griffin, Jr., John E. Belkota and James Moody, I have reason to believe and do believe as follows:

1. There are gambling records and paraphernalia and evidence of gambling violations in the above-described automobiles.

2. There are gambling records, moneys, telephones, other gambling paraphernalia, and evidence of the commission of gambling violations at the following premises:

(a) Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. I have determined that the Assessor of the City of Niagara Falls, New York, carries this premises as the location of the Magaddino Funeral Home, Inc.;

(b) The home of PETER A. MAGADDINO, 1103 22nd Street, Niagara Falls, New York;

(c) The homes of BENJAMIN NICOLETTI, SR., 455 Cayuga Street, Lewiston, New York, and 1002 Hewitt Drive, Lewiston, New York;

(d) The home of BENJAMIN NICOLETTI, JR., 2654 North Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York, has this property listed as owned by MARGUERITE M. NICOLETTI;

(e) The home of PATSY PASSERO, 2895 Lewiston Road, Niagara Falls, New York;

(f) The business address of MICHAEL FARELLA, The Niagara Sundry Shop, 1216 Niagara Street, Niagara Falls, New York. This Premises is listed by the Assessor of the City of Niagara Falls, New York as owned by ANGELO and ANNA GODINO;

(g) The home of AUGIE RIZZO, 257 Witmer Road, North Tonawanda, New York. This premises is listed by the Assessor of the City of North Tonawanda, as being owned by Saj Trucking and Excavating, Inc.;

(h) The home of SAM PUGLESE, 177 61st Street, Niagara Falls, New York. This premises is listed by the Assessor of the City of Niagara Falls, New York, as owned by NICHOLAS PUGLIESE;

(i) The home of RALPH FAVA, 2241 South Avenue, Niagara Falls, New York;

(j) The home of LOUIS CUBELLO, 2262 Woodlawn Avenue, Niagara Falls, New York;

(k) The home of RONALD APPOLONEY, 513 15th Street, Niagara Falls, New York. This premises is listed by the Assessor for the City of Niagara Falls, New York, as owned by FILIPPINA PAONESSA;

(l) The home of LOUIS TAVANO, 5308 Elm Drive, Lewiston, New York; this premises is listed by the Assessor for the Town of Lewiston, New York, as owned by LEWIS TAVANO.

The full descriptions of the premises which I desire to be searched are set forth in the captions of the warrants submitted.

The information contained in those descriptions was gathered from the following sources:

(1) Barbara Lilly of the Assessors Office of the City of Niagara Falls, New York

(2) Dorothy Clark of the Assessors Office of the Town of Lewiston, New York

(3) Charles Guzzetta of the Assessors Office of the City of North Tonawanda, New York

(4) Personal observations of Special Agents of the Federal Bureau of Investigation.

There are gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations at the following premises:

The house utilized by GINO MONACO in carrying on bookmaking activity, i.e. 1120 Linwood Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York has this property listed as owned by ANTHONY DE NOFRIO.

The full description of this premises is set forth in the caption of the warrant submitted. The description was gathered from the following sources:

Barbara Lilly, the Assessors Office of the City of Niagara Falls, New York; and personal observations of Special Agents of the Federal Bureau of Investigation.

Raymond C Kruger
Special Agent, Federal Bureau of Investigation

Sworn to and subscribed before me
this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, Joseph E. Griffin, Jr., having been duly sworn, depose and say:

I have been a Special Agent of the Federal Bureau of Investigation, assigned to the Buffalo Division of that Bureau for over four years, during which time I have been assigned to investigate gambling cases. I would estimate that I have investigated in excess of 100 gambling cases.

In the course of these investigations, I have been called upon to testify in judicial proceedings concerning and Grand Jury investigations of illegal gambling activity. In an attempt to make my investigations more meaningful, I have discussed with more experienced fellow officers, of local as well as Federal jurisdiction, the nature and operation of illegal gambling and bookmaking enterprises. I have also, from time to time, discussed with known convicted bookmakers the nature of their operation.

Based upon my experiences in gambling investigations, I can make the following observations. Conducting the business of bookmaking involves several levels of participation with the participants at each level necessarily maintaining records of their transactions with people above and below their echelon of activity. Bookmakers generally recognize that making use of telephones in interstate commerce in the conduct of their business violates Federal law. They go to great lengths not only to camouflage their bookmaking activities, but also to insulate themselves from any such use of interstate telephone calls. Such use is, at times, nonetheless necessary. Interstate and foreign telephone calls are made generally for one or both of these reasons: to "lay off" bets; to get "line information." "Laying off" bets means to place bets on the same horse or team

in a sporting event on which the bookmaker has accepted bets, so that he in effect is betting both ways. The purpose is to protect against heavy losses. "Line information" is information about the odds or point spread on a particular horse or sporting event on a given day.

I can say also that to guard against prosecution, important bookmakers commonly hire people to perform the hazardous functions of the bookmaking enterprise, such as accepting and laying off wagers. Where this is done, it is essential that there be some system for "settling up" accounts between employer and employee. That is, the proceeds of the operation collected by the employees from losing bettors must be passed on to the employers in the bookmaking operation. In some bookmaking operations, the settling up process is done on a weekly basis.

In virtually all gambling cases and bookmaking cases, as well as others involving different crimes, I have dealt with confidential informants. During the past four years, I have continuously received and used information from one particular confidential informant, whose information has proven to be extremely reliable. Information from this informant has resulted in numerous local and Federal arrests, and numerous convictions.

As long as several months ago, this above mentioned informant had advised me that Benjamin Nicoletti, Sr., of Lewiston, New York, was supervising a bookmaking operation for Stefano Magaddino of Lewiston, New York. During September, October, and November of 1968, this same informant advised me that this same operation was continuing and supplied me with the specific details of how the bookmaking operation was being conducted. The informant advised me that he had learned these details from Benjamin Nicoletti, Sr. and Peter A. Magaddino, during the same period that he was giving me the information; i.e.,

September, October, and November, 1968. The details so supplied to me by the informant are as follows:

Benjamin Nicoletti, Sr., in carrying on the bookmaking operation for Stefano Magaddino, deals directly through his son, Benjamin Nicoletti, Jr. Benjamin Nicoletti, Jr., acting on behalf of his father, Benjamin Nicoletti, Sr., employs Patsy Passero, Gino Monaco, Louis Tavano, Sam Puglese, Augie Rizzo, and Mike Farella as bookmakers. Their primary function is to accept wagers from and settle up with bettors. Benjamin Nicoletti, Jr. exericses some degree of control over these operations, normally by being accessible to them by telephone during bookmaking hours in order to solve any difficulties arising out of the bookmaking operation.

The informant advised that Benjamin Nicoletti, Jr. also engages in actual bookmaking in conjunction with the above described operation. The informant said that Benjamin Nicoletti, Jr. personally runs the sports book which involves the accepting and sometimes laying off of wagers on sporting contests as contrasted to horse races.

The same informant further advises that one of the above-named employees is designated by Benjamin Nicoletti, Jr. to lay off excess action to certain notorious bookmakers in Canada, and to accept lay-off action from them. The Canadians named by the informant are the Iannuzzellis, Ernest Reinhart, and Walter Chomski; all of whom live in the Province on Ontario.

The informant advised that during October, 1968, Benjamin Nicoletti, Jr. operated his bookmaking enterprises at Niagara Falls, New York telephone number 284-0879 (subsequently determined to be listed to Ralph Fava, 2241 South Avenue, Niagara Falls, New York), and at Niagara Falls, New York telephone number 284-8559 (subsequently determined to be listed to Ronald Appoloney, 513 15th Street, Niagara Falls, New York). Sometime during November, 1968, Benjamin Nicoletti, Jr. began to also use in connection with his bookmaking enterprise Niagara Falls, New York telephone number 285-7798

(subsequently determined to be listed to Louis Cubello, 2262 Woodlawn Avenue, Niagara Falls, New York). The informant further advised that Augie Rizzo is currently accepting wagers for Benjamin Nicoletti, Jr. in North Tonawanda, New York, and is using telephone number 694-3312 to accept betting action. (This telephone number was subsequently determined to be listed to Irene Durick, 257 Witmer Road, North Tonawanda, New York.)

The above-mentioned informant advised as follows regarding settling up in the operation. The employees named above settle up with the bettors and then with Benjamin Nicoletti, Jr. sometime prior to Tuesday of each week.

Once a week, normally on Tuesday, Benjamin Nicoletti, Jr. meets with his father to balance their books, with the son passing on to the father the percentage of the profits due the father and the percentage of profits due Stefano Magaddino. Also on Tuesday, Benjamin Nicoletti, Sr. similarly settles up with Stefano Magaddino. For purposes of this task, Benjamin Nicoletti, Sr. meets with Peter A. Magaddino, Stefano Magaddino's son, and passes on the share due Stefano Magaddino. Peter A. Magaddino then promptly delivers the proceeds to his father, Stefano Magaddino.

The same informant advised me that over the past several years, Stefano Magaddino has used the Magaddino Memorial Chapel in the informant's presence as a meeting place for the transaction of business related to illegal bookmaking, gambling, and loan-sharking activities. The business so conducted consisted of reporting on problems as they arose, and settling up of accounts. He further advised that Stefano Magaddino controls all major bookmaking and gambling activity in Niagara Falls, New York. Additionally, he advised that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Since I have been assigned to the Buffalo Office of the Federal Bureau of Investigation, I have received information from more than five confidential

informants, all of whom have given other information which proved reliable, that Stefano Magaddino controls all large scale bookmaking and gambling activity in Niagara Falls, New York. On November 22, 1968, I spoke to two informants, both of whom have given reliable information in the past, and neither of whom is the one I have referred to above. Each informant on that occasion advised me that Stefano Magaddino still controls all large scale bookmaking, gambling, and loan shark activity in Niagara Falls, New York. One of the two also confirmed that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Joseph E. Griffin, Jr.

Sworn to and subscribed before me
this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, John E. Belkota, being duly sworn, depose and say:

I am a Lieutenant in the Niagara Falls Police Department on which force I have worked for 17 years. For the past 9 years, I have participated in more than 100 investigations of bookmaking and related crimes and have participated in the arrests of more than 200 individuals on such charges. Virtually all led to convictions or pleas of guilty. During that time, I have had extensive contact with confidential informants.

For the past several years, I have received information from several informants, all of whom have given reliable information in the past leading to arrests and convictions on bookmaking charges, that Benjamin Nicoletti, Sr. runs a large bookmaking operation. Overseeing the daily activities of the operation is his son, Benjamin Nicoletti, Jr.

During September, October and November of 1968, I have received information from several of these reliable informants that Gino Monaco, Sam Puglese and Mike Farella are working as bookmakers for the Nicoletti's. Their operations consist primarily of accepting wagers by telephone, collecting from losing bettors and paying off winners. During November, 1968, one of these reliable informants advised me that Louis Tavano also is working as a bookmaker for the Nicoletti's.

The same reliable informants have also advised me during the period September, October and November of 1968, that Patsy Passero deals with Benjamin Nicoletti, Jr. in a lay off operation.

The information from the above mentioned informants has been corroborated by investigation conducted by members of my Confidential Squad. For instance, I was advised that the residences of Ralph Fava, Ronald Appoloney and an apartment above a branch post office in Niagara Falls, New York, were being used at various times as telephone rooms. Subsequent physical surveillance by detectives in my unit placed the bookmakers at these premises during prime bookmaking hours.

Prime bookmaking hours consist of those times when wagering is most heavily conducted. For horse races, this is usually 1:00 P.M. to 5:00 P.M., Monday through Saturday. For other sporting contests commonly played on weekends, the prime time is generally 1:00 P.M. to 4:00 P.M., on Saturday and Sunday.

Based upon my trust in the reliability of the above mentioned informant information, investigation which that informant stimulated, and my experience investigating gambling and bookmaking cases in Niagara Falls, New York for the past 9 years, I can state the following:

I know Gino Monaco to have an extensive bookmaking record and to be a long time associate of Benjamin Nicoletti, Jr. and Benjamin Nicoletti, Sr. in their gambling operation. It is my present opinion and firm belief that he is presently engaged in bookmaking and is working for the Nicoletti's in that operation.

I know Sam Puglese also to have a criminal record for gambling type cases and to be an associate of the Nicoletti's. He is now engaged as a bookmaker in the Nicoletti operation.

Mike Farella is also known to me to have a criminal record for gambling type cases. He also is an associate of the Nicoletti's. It is my present opinion and firm belief that he too is a bookmaker in the Nicoletti operation.

I know Patsy Passero to have a criminal record for bookmaking and other crimes. He, too, is a long time associate of the Nicoletti's. He is presently working with them in a lay off capacity.

Benjamin Nicoletti, Jr. has an extensive criminal record for gambling violations. He is engaged in bookmaking activities with the bookmakers named above and his father.

I know Benjamin Nicoletti, Sr. to have a criminal record for gambling and bookmaking violations. At the present time he is one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He runs the operation directly for Stefano Magaddino and Peter A. Magaddino.

This information regarding bookmaking operations by Benjamin Nicoletti, Sr. and Benjamin Nicoletti, Jr. over the past several years and specifically in the past three months, has included information that Benjamin Nicoletti, Sr. works for Peter A. Magaddino and that profits of the operation go in part to Peter A. Magaddino and Stefano Magaddino. The distribution of revenue is as follows: Benjamin Nicoletti, Jr. collects from the employee bookmakers. He passes money up to Benjamin Nicoletti, Sr. Benjamin Nicoletti, Sr. meets with Peter A. Magaddino and passes money to him. Peter A. Magaddino passes the money on to Stefano Magaddino, for whom he works.

The same reliable confidential informants have advised me over the past several years that Stefano Magaddino controls all major gambling and bookmaking activity in Niagara Falls, New York. This information has been confirmed as recently as the past month by an informant whose information has always proven reliable.

Sworn to and Subscribed
Before Me This 26 Day of
November, 1968

United States Commissioner

John E. Belkota
JOHN E. BELKOTA

AFFIDAVIT

I, James Moody, being duly sworn, depose and say:

I am presently employed by the City of Niagara Falls Police Department, Niagara Falls, Ontario, Canada, in the position of Detective in Charge of the Special Branch.

My primary duties consist of supervising and conducting investigations relating to criminal intelligence, vice, bookmaking and gambling. I have been a police officer for the City of Niagara Falls, Ontario, Canada for the past 14 years and served in my present position for the past 2½ years. I have testified on numerous occasions in the prosecution of bookmaking cases. I have participated in over 100 arrests of bookmakers and gamblers.

Ernest Albert Reinhart, Niagara Falls, Ontario, Canada Police Department Number 4122, resides at 1001 Stanley Avenue, Niagara Falls, Ontario, Canada. During the period of 1955 through 1967, this man has been convicted twice of keeping a common betting house; i.e., an establishment used for bookmaking. In 1967, he was sentenced to jail for one year and fined $4,000 for engaging in bookmaking. It is my present opinion and firm belief that this man is presently one of the largest active bookmakers in Ontario.

I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 354-0264 is subscribed to the Demitasse Gift Shop, located on Clifton Hill in Niagara Falls, Ontario, Canada.

I have determined through investigation that Reinhart, who is co-owner of the Demitasse Gift Shop, is utilizing telephone number 354-0264 in the furtherance of his bookmaking operation.

It is also a matter of public record that Ernest Reinhart is a known gambler, who associates with the gambling element in the City of Niagara Falls, Ontario. The public record I refer to is the 1964 copy of the Report of the Ontario Police Commission on Organized Crime, Page 45, wherein it is set forth that Reinhart is engaged in gambling activity.

George Zarafonitis, at the present time, resides at 1100 Center Street, Unit 11, Niagara Falls, Ontario, Canada. During the period of 1940 through 1959, this person's criminal record shows that he has been convicted on several occasions for being found in a gaming house and being a keeper of a gaming house. At the present time, it is my opinion and firm belief that George Zarafonitis is currently and extensively engaged in bookmaking activity within the Province of Ontario, Canada.

I have determined through investigation that George Zarafonitis is utilizing telephone number 356-5303 in the furtherance of his bookmaking operation. I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 356-5303 is subscribed to by George Zarafonitis, 1100 Center Street, Niagara Falls, Ontario.

I have also determined through investigation that George Zarafonitis is also utilizing telephone number 358-9064 in furtherance of his bookmaking activity. In accordance with records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, it was determined that telephone number 358-9064 is subscribed to by Van's Candy Kitchen, Niagara Falls, Ontario. George Zarafonitis is the Manager of Van's Candy Kitchen and is using that telephone for bookmaking purposes.

Walter Chomski resides at 1331 Crestdale Road, Mississauga, Ontario, Canada. This man is now using the name of Charles Watson.

I have had knowledge of Walter Chomski and that he has been extensively engaged in bookmaking activities over the past several years. It is my present opinion and firm belief that he has been actively and extensively engaged in bookmaking activities.

Albert Joseph Pitts resides at 862 Second Avenue, Niagara Falls, Ontario, Canada, and in 1959, this man was arrested for keeping a common betting house and fined $500. He is known by me to associate with gamblers and bookmakers in the City of Niagara Falls, and has made frequent trips out of town in connection with and furtherance of his gambling activity.

It is my present belief and firm opinion that Pitts is currently engaged in gambling activity.

Albert Iannuzzelli is co-owner of the Hilltop Motel, located on Clifton Hill in Niagara Falls, Ontario, Canada. He is a close associate of Ernest Reinhart and for a number of years has been involved in gambling in Niagara Falls, Ontario, Canada.

He has no criminal record, but it is a matter of public record that he is engaged in gambling activity.

I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the participation of Albert and Louis Iannuzzelli in gambling activity. In that report they are listed as Canadian backers of the Ramsey Club, a now defunct gambling club. The report also sets out that the Hilltop Motel was being utilized as a meeting place for the Iannuzzellis and Benjamin Nicoletti, Sr.

Louis Iannuzzelli, brother of Albert Iannuzzelli, is a co-owner of the Hilltop Motel, located at Clifton Hill, Niagara Falls, Ontario, Canada.

Louis Iannuzzelli is a close associate of Ernest Reinhart and for a number of years has been involved in gambling activity at Niagara Falls, Ontario, Canada.

Louis Iannuzzelli has no criminal record; however, his gambling activity is a matter of public record and I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the gambling activities of Louis Iannuzzelli.

It is my present opinion and firm belief that Albert and Louis Iannuzzelli are currently actively engaged in gambling activities.

Mrs. Elaine Marion Barker, 99 Connolly Avenue, Toronto, Ontario, Canada, has Metropolitan Toronto, Ontario Police Department Number 2282/63. The Metropolitan Toronto Police Department advises me that Mrs. Barker has been arrested for theft in 1961 and 1967. They have also advised that she is currently on bail as of November 1, 1968, on a charge of keeping a common betting house.

Bert Nero, 2379 Russell Street, Niagara Falls, Ontario, and who has Niagara Falls, Ontario Police Department Number 1815, is a convicted bookmaker. It is my present opinion and firm belief that this man is currently and actively engaged in gambling.

Ronnie Garth Masotti, 1783 Ferry Street, Niagara Falls, Ontario, is known to me as a professional gambler in the Ontario Canada and Western New York, United States area. He has Niagara Falls, Ontario Police Department Number 1608 and has a criminal record dating from 1958 through 1967. My investigation has revealed that this man's telephone number 356-1466 has been in contact with one Patsy Passero of Niagara Falls, New York. It is my present opinion and firm belief that this man is currently and actively engaged in gambling activities within the Province of Ontario and Western District of New York, United States area.

Police officials of the Hamilton Police Department, advise me that F. M. Golo is actively engaged in bookmaking.

Police officials of the Metropolitan Toronto Police Department advise me that the Executive Club, 491 Lawrence Avenue, West, Toronto, Ontario, Canada, is known as a hangout for gamblers and bookmakers.

I have caused a check of the Canadian Bell Telephone Company, Toronto, Ontario, Canada, to be made and I have determined that telephone number 789-5347 in Toronto, Ontario, Canada, is subscribed to the Executive Club. Police officials of the Metropolitan Toronto Police Department advise me that Jack Beal of Toronto, Ontario Canada is actively involved in gambling and has access to this telephone.

James Moody

James Moody

Sworn to and Subscribed
Before Me This 25 Day
of November, 1968

United States Commissioner

United States District Court

FOR THE

W D N Y

Commissioner's Docket No. 68

Case No. 111

UNITED STATES OF AMERICA

v

Peter A Maggaddino

TEMPORARY COMMITMENT
of

To: The United States Marshal of the W. District of New York;

You are hereby commanded to take the custody of the above named defendant and to commit him with a certified copy of this commitment to the custodian of a place of confinement within the West District of N.Y., approved by the Attorney General of the United States where the defendant shall be received and safely kept until discharge in due course of law. The above named defendant has been arrested but not yet fully examined by me upon the complaint of Raymond Kruger, charging that on or about Sept-Nov, 1968 at W. D N Y in the District of the defendant did use telephone facilities in foreign commerce in gambling activities

in violation of U.S.C. Title 18, Section 1952, 2+371

; and he has been directed to furnish bail in the sum of One Hundred Thousand dollars ($ 100,000) for his appearance before me at Bflo in accordance with all my orders and directions relating thereto, and he has failed to do so.

Dated: Bflo - NY
11-26, 1968.

[signature],
United States Commissioner.

#23-b

RETURN

Received this commitment and designated prisoner on NOV 26, 1968, and on NOV 26, 1968, committed him to ERIE CO JAIL, and left with the custodian at the same time a certified copy of this commitment.

Dated:
NOVEMBER 26, 1968.

ALVIN GRUSSMAN,
United States Marshal.
WESTERN District of N.Y.
By Thomas Hassett,
Deputy.

Form A. O. 90 (Rev. 7-26-50)

Commissioner's
Warrant of Arrest

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 111

UNITED STATES OF AMERICA

v

PETER A. MAGADDINO

WARRANT OF ARREST

To any authorized Agent of the Federal Bureau of Investigation:

You are hereby commanded to arrest PETER A. MAGADDINO (here insert name of defendant or description), and bring him forthwith before the nearest available United States Commissioner to answer to a complaint charging him with being engaged in the business of gambling and bookmaking in violation of the laws of the State of New York, and knowingly conspiring to use and using and causing to be used telephone facilities in foreign commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said gambling and bookmaking business (here describe offense charged in complaint) in violation of U.S.C. Title, 18, Sections 1952, 2, and 371.

Date November 26, 1968.

Edward Maxwell
United States Commissioner.

1. Here insert designation of officer to whom warrant is issued.

RETURN

Received November 26, 1968 at Buffalo, NY, and executed by arrest of Peter A. Magaddino at Niagara Falls, NY on November 26, 1968.

Joseph E. Duffy Jr.,
Name.

Special Agent FBI,
Title.

Western District of New York

Date

, 19 .

By ....., Deputy

Form A.O. 91 (Rev.12-1-58) **Complaint**

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v

STEFANO MAGADDINO, PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR., BENJAMIN NICOLETTI, JR., GINO FRANK MONACO, SAM JOSEPH PUGLESE, MICHAEL FARELLA, AUGUSTINE RIZZO, JR. a/k/a Augie Rizzo, PATSY PASSERO, and LOUIS TAVANO.

Commissioner's Docket No. 68

Case No. 111

COMPLAINT for VIOLATION of

U.S.C. Title 18

Sections 1952, 2 and 371

BEFORE Edmund F. Maxwell, 1112 Prudential Building, Buffalo, New York
Name of Commissioner / Address of Commissioner

The undersigned complainant being duly sworn states:
During the months of September, October, and November, 1968, up to and including the date of this complaint, at Niagara Falls, New York, Lewiston, New York, North Tonawanda, New York, Tonawanda, New York, and elsewhere in the State and Western District of New York

(1) STEFANO MAGADDINO, PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR., BENJAMIN NICOLETTI, JR., GINO FRANK MONACO, SAM JOSEPH PUGLESE, MICHAEL FARELLA, AUGUSTINE RIZZO, JR. a/k/a/ Augie Rizzo, PATSY PASSERO, and LOUIS TAVANO did(2) while engaged in the business of gambling and bookmaking in violation of the laws of the State of New York, knowingly conspire to use, use and cause to be used, telephone facilities in foreign commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said gambling and bookmaking business.

And the complainant states that this complaint is based on the attached affidavits of Special Agent Raymond C. Kruger, Special Agent Joseph E. Griffin, Jr., Detective James Moody and John E. Belkota

And the complainant further states that he believes that

are material witnesses in relation to this charge.

Raymond C. Kruger
Raymond C. Kruger, S.A., *Signature of Complainant.*
F.B.I.
Official Title.

Sworn to before me, and subscribed in my presence, Nov 26, 1968.

Ed A Maxwell
United States Commissioner.

(1) Insert name of accused.
(2) Insert statement of the essential facts constituting the offense charged.

AFFIDAVIT

I, Raymond C. Kruger, being duly sworn, depose and say:

I have been employed as a Special Agent of the Federal Bureau of Investigation for over 17 years, and have worked for the past five years in the Buffalo Division of the Federal Bureau of Investigation. During this period of time, I have regularly participated in investigating gambling and bookmaking matters. I have participated in investigating in excess of 50 such gambling and bookmaking cases. I have participated in numerous Grand Jury investigations of gambling and bookmaking matters.

Fellow Special Agent, Joseph E. Griffin, Jr., received certain information from an informant regarding the conduct of a bookmaking operation involving STEFANO MAGADDINO, BENJAMIN NICOLETTI, SR., PETER A. MAGADDINO, SAM PUGLESE, AUGIE RIZZO, MIKE FARELLA, LOUIS TAVANO, of the United States, the IANNUZZELLIs, ERNEST REINHART, WALTER CHOMSKI of Canada, and also involving New York telephone numbers, the subscribers of which were determined to be RALPH FAVA, LOUIS CUBELLO and RONALD APPOLONEY.

Based on this informant information received by Special Agent Joseph E. Griffin, Jr., and more fully set out in his affidavit, submitted in application for the warrant herein sought, I began an investigation which consisted of collecting available information and gathering new information relative to the information received from the proven reliable informant. In the course of this investigation, I gathered available information concerning the personal reputations and criminal records of the individuals alleged to be involved. In addition, certain physical observations which had been conducted were reviewed and certain new physical observations were commenced.

Information from the telephone company was gathered as to toll calls emanating from certain telephones. The personal observations were made by the Niagara

Falls, New York Police Department and the Federal Bureau of Investigation. Several officers of the Niagara Falls Police Department and numerous Agents of the Federal Bureau of Investigation were involved in carrying out these physical observations.

The information gathered in the course of this investigation is as follows:

PATSY PASSERO

Address: 2895 Lewiston Road, Niagara Falls, New York

PATSY PASSERO, FBI Number 2210855, identified by the informant as a bookmaker working for the NICOLETTIs, has an arrest record which dates from 1940 to 1967. He has been arrested three times for burglary, once for suspicion of robbery and one time for bookmaking. He has been convicted twice of burglary and once for bookmaking offenses. According to Lieutenant John E. Belkota, he is a long-time associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR., identified by the informant as the supervisors of their operation, and is presently associated with them in a "lay off" capacity.

Over the past six months, numerous telephone calls have emanated from the PASSERO residence during the prime bookmaking time. Many were made to Canada to known bookmaking establishments and persons connected with bookmaking and gambling. In addition to the foreign calls, there were interstate calls made to numbers commonly associated with bookmaking and gambling.

During this same period of time, calls were made from Canada, from numbers known to be connected with bookmaking activity to the telephone at the residence of PATSY PASSERO.

Personal observations during the month of November, 1968, further indicate that PATSY PASSERO is at home during the prime bookmaking hours. PASSERO's car has been spotted on occasions as recently as November, 1968, in the vicinity of the Niagara Sundry, the place

of business of MIKE FARELLA, identified by the informant as a bookmaker for the NICOLETTIs.

On one occasion, during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO, was seen meeting and talking with PATSY PASSERO. TAVANO has also been identified as a bookmaker for the NICOLETTIs.

GINO MONACO

Address: Sleepy Time Motel, 6831 Pine Avenue, Niagara Falls, New York

GINO MONACO, also known as Gino Frank Monaco, FBI Number 322281D, also identified by the informant as a bookmaker for the NICOLETTIs, has a criminal record dating from February 8, 1955 through June 12, 1967, during which time he has been charged with and convicted of gambling violations on three different occasions. Investigation revealed no present legitimate source of income for GINO MONACO. In addition to that, as can be seen more particularly from the affidavit of Lieutenant John E. Belkota, which is also submitted in connection with the warrant herein sought, MONACO is known to the Niagara Falls Police Department as a long-time associate of BENJAMIN NICOLETTI, JR., and BENJAMIN NICOLETTI, SR., in their gambling operation, and is presently believed to be personally engaged in bookmaking for the NICOLETTIs.

Personal observation of MONACO on November 15, 1968, placed him at the address of 1120 Linwood, Niagara Falls, New York, during prime bookmaking time. During the same week, his automobile was seen near the same address.

The same premises were also visited by BENJAMIN NICOLETTI, JR. during that week during prime bookmaking hours.

Personal observations as recently as during the past week indicate that MONACO visits BENJAMIN NICOLETTI, JR. at the latter's home. A physical observation on Monday night, November 18, 1968, also placed MONACO in a meeting with BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR. for at least a four-hour period at the

then closed Red Carpet Lounge. During the month of November, 1968, GINO MONACO was observed meeting with MIKE FARELLA, previously identified as one of NICOLETTI's bookmakers, at a shop known as Mario's. Mario's sells various racing forms on a daily basis.

SAM PUGLESE

Address: 177 61st Street, Niagara Falls, New York

SAM PUGLESE, FBI Number 70402G, identified by the informant as one of NICOLETTI's bookmakers, has been arrested and convicted on gambling charges in 1964 and 1967. Investigation reveals no legitimate source of income for SAM PUGLESE. Again referring to the affidavit of Lieutenant John E. Belkota, it appears therein that SAM PUGLESE is known to the Niagara Falls, New York Police Department as an active bookmaker and associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

During September, October and November, 1968, personal observations have on numerous occasions placed PUGLESE at the house of RALPH FAVA during prime bookmaking time. The telephone subscribed to by Ralph Fava was identified by the informant as used in the NICOLETTI bookmaking operation. On each of these occasions, BENJAMIN NICOLETTI, JR. was also there during said prime bookmaking time. As noted infra, FAVA's telephone has been used to contact other bookmakers.

MIKE FARELLA

Business Address: Niagara Sundry, 1216 Niagara Street, Niagara Falls, New York

MIKE FARELLA, FBI Number 804012, identified by the informant as a bookmaker for the NICOLETTIs, from 1934 to 1967, has been arrested five times and convicted four times for gambling activity. Again referring to Lieutenant John E. Belkota's affidavit, he is known as an associate of BENJAMIN NICOLETTI, JR. and BENJAMIN

NICOLETTI, SR., and is presently believed to be a bookmaker in that operation. Up to and including the present time, personal observations have revealed that the Sundry Shop is not operated under normal conditions. It was noted that its door is locked and admittance can be gained only by attracting the attention of those inside.

As noted supra, personal observation has placed MIKE FARELLA meeting with GINO MONACO, at a shop known as Mario's.

LOUIS TAVANO

Address: 5308 Elm Drive, Lewiston, New York

LOUIS C. TAVANO, identified by informant as one of the bookmakers working for the NICOLETTIs, is known to the Niagara Falls, New York Police Department as an active bookmaker. Lieutenant Belkota identifies him as working in that capacity for BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

Over the past two months numerous foreign, interstate and intrastate telephone calls have emanated from LOUIS TAVANO's residence at 5308 Elm Drive, Lewiston, New York. Telephone numbers known to be utilized by ERNEST REINHART, a notorious bookmaker in Ontario, Canada, are among those called. In addition, these same numbers in Canada are used to place calls to TAVANO in Lewiston, New York during the same period of time. Numerous additional calls were emanating during the same period from the TAVANO residence to a telephone number used by ANGELO BONITO, identified to me by the Buffalo Police Department as a known bookmaker in Buffalo, New York. During the same two-month period, numerous calls emanated from this same Buffalo telephone number to TAVANO. The telephone number used by Bonito was used to make calls to the RALPH FAVA residence in Niagara Falls, New York. RALPH FAVA's home and telephone are identified elsewhere in this affidavit and in the affidavit of Joseph E. Griffin, Jr., as used by BENJAMIN NICOLETTI, JR. in the carrying on of his bookmaking operation.

Personal observations have also placed BENJAMIN NICOLETTI, JR., BENJAMIN NICOLETTI, SR. and GINO MONACO at a meeting at TAVANO's Red Carpet Lounge, Pine Avenue, Niagara Falls, New York, on Monday, November 18, 1968. It was noted that at the time of this observation, the Red Carpet Lounge was not open for business. During the course of this same observation and at the conclusion of the meeting among the above three mentioned individuals, BENJAMIN NICOLETTI, JR. was seen to secure and lock the front door of TAVANO's restaurant and place the key in his pocket.

On one occasion during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO was seen meeting and talking with PATSY PASSERO.

AUGIE RIZZO

Address: 257 Witmer Road, North Tonawanda, New York

AUGUSTINE RIZZO, JR., identified by informant as a bookmaker for the NICOLETTIs, is also known as Augie Rizzo, and is known to Lieutenant Frank Malone, North Tonawanda, New York Police Department to be residing at 257 Witmer Road, North Tonawanda, New York with one Irene Durick. Lieutenant Malone advised on November 25, 1968 based upon informants and independent investigation that RIZZO is presently and has been for the past three months actively engaged in bookmaking. Lieutenant Malone advises that he has also determined that Rizzo is utilizing the telephone subscribed to by Irene Durick, 257 Witmer Road, North Tonawanda, New York, for bookmaking purposes.

Over the past six months, numerous telephone calls have emanated from the Durick residence during prime bookmaking time, to known bookmakers and bookmaking establishments.

RONALD APPOLONEY, RALPH FAVA and LOUIS CUBELLO are the subscribers to the telephones identified by the informant as being used in the NICOLETTI bookmaking operation.

RONALD APPOLONEY

Address: 513 15th Street, Niagara Falls, New York
Telephone: 716 284-8559

Personal observations of RONALD APPOLONEY's residence during October and November, 1968 place BENJAMIN NICOLETTI, JR. at that residence. As will be noted, infra, RONALD APPOLONEY has during the past two months, been seen to visit the residences of RALPH FAVA and BENJAMIN NICOLETTI, JR.

RALPH FAVA

Address: 2241 South Avenue, Niagara Falls, New York
Telephone: 716-284-0879
716-284-0792

Over the past six months, telephone calls have emanated from the residence of RALPH FAVA to telephone numbers in Canada associated with bookmakers and gamblers. Numerous calls over the past six months have gone from FAVA's house to a number known to be used by a bookmaker in Buffalo, New York. These calls were frequently made during prime bookmaking hours. As above-noted, in the discussion of LOUIS TAVANO, numerous telephone calls have come from a different Buffalo, New York bookmaking operation to a telephone at FAVA's residence. It is also noted that on September 13, 1968, a second and additional telephone with a separate and distinct number was installed in FAVA's home.

Extensive personal observation of the FAVA residence since September, 1968, revealed that it was very frequently visited by BENJAMIN NICOLETTI, JR. during the period of prime bookmaking time. Periodically over the past three months, FAVA's residence has also been visited by SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR.

LOUIS CUBELLO

Address: 2262 Woodlawn Avenue, Niagara Falls, New York
Telephone: 716-285-7798

In November, 1968, BENJAMIN NICOLETTI, JR. has been observed to be at LOUIS CUBELLO's residence during prime bookmaking time.

BENJAMIN NICOLETTI, JR.

Address: 2654 North Avenue, Niagara Falls, New York

BENJAMIN NICOLETTI, JR., FBI Number 80339G has been arrested five times from 1964 to 1967, for gambling offenses. He has been convicted on two of these charges, and he has gambling charges pending. Investigation has revealed no legitimate source of income for BENJAMIN NICOLETTI, JR. He is known to the Niagara Falls, New York Police Department as can be seen by the affidavit of Lieutenant John E. Belkota, as an active bookmaker.

Telephone records of BENJAMIN NICOLETTI, JR.'s home telephone indicate that at least on one occasion a call emanated therefrom to a telephone number known to be used and connected with known bookmakers and gamblers in Toronto, Ontario, Canada. As previously noted in the discussion of RALPH FAVA, BENJAMIN NICOLETTI, JR. has been frequently observed to be at FAVA's home during prime bookmaking time. FAVA's telephone, during prime bookmaking time, has been used to transmit and receive calls from and to numbers associated with foreign and New York State bookmaking interests.

As previously described, BENJAMIN NICOLETTI, JR. has been personally observed on recent occasions at the residences of LOUIS CUBELLO and RONALD APPOLONEY. Personal observations previously described have also placed BENJAMIN NICOLETTI, JR. within the past three months as meeting on numerous occasions GINO MONACO, SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR. Personal

observations have established that BENJAMIN NICOLETTI, JR. meets with BENJAMIN NICOLETTI, SR., immediately prior to the time that BENJAMIN NICOLETTI, SR. meets with PETER A. MAGADDINO. These meetings most frequently occur at the home of BENJAMIN NICOLETTI, SR. at 455 Cayuga Street, Lewiston, New York.

BENJAMIN NICOLETTI, SR.

Address: 455 Cayuga Street, Lewiston, New York
1002 Hewitt Drive, Lewiston, New York

BENJAMIN NICOLETTI, SR., FBI Number 285280, has an arrest record dating from 1930. He has been arrested once for burglary, twice for robbery and five times for gambling violations. He was convicted twice for bookmaking and gambling activity. There is currently pending before the Grand Jury of Niagara County, a gambling charge. He is known to Niagara Falls, New York Police Department, as can be seen more particularly in the affidavit of Lieutenant John E. Belkota, as one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He is further identified by Lieutenant John E. Belkota to be running the gambling operation in Niagara Falls, New York for STEFANO MAGADDINO and PETER A. MAGADDINO.

As previously mentioned, BENJAMIN NICOLETTI, SR. was observed meeting BENJAMIN NICOLETTI, JR. and GINO MONACO at LOUIS TAVANO's Red Carpet Lounge. It has also been noted above that BENJAMIN NICOLETTI, SR. has visited RALPH FAVA's residence. Numerous personal observations reveal that on or about Tuesday morning of each week, BENJAMIN NICOLETTI, SR. meets with BENJAMIN NICOLETTI, JR. Thereafter, and at approximately 2:00 p.m. of each Tuesday, BENJAMIN NICOLETTI, SR. rendezvous with PETER A. MAGADDINO. Their meetings have frequently and most recently taken place at the Your Host Restaurant on Niagara Falls Boulevard, Tonawanda, New York. On a number of these occasions, BENJAMIN NICOLETTI, SR. appeared to be passing an object to PETER A. MAGADDINO. During some of

these meetings, a nearby Special Agent of the Federal Bureau of Investigation overheard large dollar figures being discussed. On one occasion, a placemat on which BENJAMIN NICOLETTI, SR. had written, was recovered containing several numerical notations. After these meetings with PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR. was personally observed to return to one or the other of his two homes, i.e. 455 Cayuga Street, Lewiston, New York or 1002 Hewitt Drive, Lewiston, New York.

PETER MAGADDINO

Address: 1103 22nd Street, Niagara Falls, New York

PETER A. MAGADDINO is known to the Niagara Falls, New York Police Department to be working directly for his father and over BENJAMIN NICOLETTI, SR., collecting the proceeds from bookmaking operations and in turn remitting them to his father, STEFANO MAGADDINO, as can be seen by the affidavit of Lieutenant John E. Belkota.

PETER A. MAGADDINO, as previously noted, has been personally observed to meet with BENJAMIN NICOLETTI, SR. on Tuesdays and receive a package from him. Personal observations indicate that immediately thereafter PETER A. MAGADDINO returns to the Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. On at least one occasion, when it was apparent that his father, STEFANO MAGADDINO was not at the Magaddino Memorial Chapel, PETER A. MAGADDINO bypassed the Chapel and then drove to his own home, 1103 22nd Street, Niagara Falls, New York.

STEFANO MAGADDINO

Business Address: Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York
Home Address: 5118 Dana Drive, Lewiston, New York

STEFANO MAGADDINO is also known to the Niagara Falls, New York Police Department to be in control of all

major gambling and bookmaking activity in Niagara Falls, New York, as can be seen by the affidavit of Lieutenant John E. Belkota. His information concerning STEFANO MAGADDINO is in complete accord with the information and belief of the deponent.

ERNEST REINHART, WALTER CHOMSKI, ALBERT IANNUZZELLI, and his brother LOUIS IANNUZZELLI, all of whom were mentioned in the informant information referred to in Special Agent Joseph E. Griffin, Jr.'s affidavit, are known to the Canadian police to be actively engaged in bookmaking and/or gambling activity in Canada. At least one of them has been convicted on gambling charges, as can be seen by the affidavit of Detective James Moody, a Niagara Falls, Ontario Police Officer. His affidavit is also submitted in support of the issuance of this warrant.

On several occasions during the pertinent period of the investigation, PETER A. MAGADDINO was seen to drive a 1966 black Cadillac, with New York State Registration 8E 2952, to and from the weekly meetings with BENJAMIN NICOLETTI, SR.

On every occasion during the pertinent period of the investigation, BENJAMIN NICOLETTI, SR. drove a 1967 brown Cadillac, with New York State Registration 5280 NF to and from the weekly meetings with PETER A. MAGADDINO.

BENJAMIN NICOLETTI, JR. is the registered owner of a 1967 green Buick, with New York State Registration 9543 NF. He has used this automobile to go to his father's for their weekly meeting. His car has also frequently been seen at his other bookmaking establishments.

PATSY PASSERO is the registered owner of the 1965 red Dodge, with New York State Registration LO 2246. During the pertinent period of this investigation, PATSY PASSERO has used his car on a daily basis and in meeting with other NICOLETTI bookmakers.

Based on all the information above and all the information in the affidavits of Joseph E. Griffin, Jr., John E. Belkota and James Moody, I have reason to believe and do believe as follows:

1. There are gambling records and paraphernalia and evidence of gambling violations in the above-described automobiles.

2. There are gambling records, moneys, telephones, other gambling paraphernalia, and evidence of the commission of gambling violations at the following premises:

(a) Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. I have determined that the Assessor of the City of Niagara Falls, New York, carries this premises as the location of the Magaddino Funeral Home, Inc.;

(b) The home of PETER A. MAGADDINO, 1103 22nd Street, Niagara Falls, New York;

(c) The homes of BENJAMIN NICOLETTI, SR., 455 Cayuga Street, Lewiston, New York, and 1002 Hewitt Drive, Lewiston, New York;

(d) The home of BENJAMIN NICOLETTI, JR., 2654 North Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York, has this property listed as owned by MARGUERITE M. NICOLETTI;

(e) The home of PATSY PASSERO, 2895 Lewiston Road, Niagara Falls, New York;

(f) The business address of MICHAEL FARELLA, The Niagara Sundry Shop, 1216 Niagara Street, Niagara Falls, New York. This Premises is listed by the Assessor of the City of Niagara Falls, New York as owned by ANGELO and ANNA GODINO;

(g) The home of AUGIE RIZZO, 257 Witmer Road, North Tonawanda, New York. This premises is listed by the Assessor of the City of North Tonawanda, as being owned by Saj Trucking and Excavating, Inc.;

(h) The home of SAM PUGLESE, 177 61st Street, Niagara Falls, New York. This premises is listed by the Assessor of the City of Niagara Falls, New York, as owned by NICHOLAS PUGLIESE;

(i) The home of RALPH FAVA, 2241 South Avenue, Niagara Falls, New York;

(j) The home of LOUIS CUBELLO, 2262 Woodlawn Avenue, Niagara Falls, New York;

(k) The home of RONALD APPOLONEY, 513 15th Street, Niagara Falls, New York. This premises is listed by the Assessor for the City of Niagara Falls, New York, as owned by FILIPPINA PAONESSA;

(l) The home of LOUIS TAVANO, 5308 Elm Drive, Lewiston, New York; this premises is listed by the Assessor for the Town of Lewiston, New York, as owned by LEWIS TAVANO.

The full descriptions of the premises which I desire to be searched are set forth in the captions of the warrants submitted.

The information contained in those descriptions was gathered from the following sources:

(1) Barbara Lilly of the Assessors Office of the City of Niagara Falls, New York

(2) Dorothy Clark of the Assessors Office of the Town of Lewiston, New York

(3) Charles Guzzetta of the Assessors Office of the City of North Tonawanda, New York

(4) Personal observations of Special Agents of the Federal Bureau of Investigation.

There are gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations at the following premises:

The house utilized by GINO MONACO in carrying on bookmaking activity, i.e. 1120 Linwood Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York has this property listed as owned by ANTHONY DE NOFRIO.

The full description of this premises is set forth in the caption of the warrant submitted. The description was gathered from the following sources:

Barbara Lilly, the Assessors Office of the City of Niagara Falls, New York; and personal observations of Special Agents of the Federal Bureau of Investigation.

Special Agent, Federal Bureau of Investigation

Sworn to and subscribed before me this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, Joseph E. Griffin, Jr., having been duly sworn, depose and say:

I have been a Special Agent of the Federal Bureau of Investigation, assigned to the Buffalo Division of that Bureau for over four years, during which time I have been assigned to investigate gambling cases. I would estimate that I have investigated in excess of 100 gambling cases.

In the course of these investigations, I have been called upon to testify in judicial proceedings concerning and Grand Jury investigations of illegal gambling activity. In an attempt to make my investigations more meaningful, I have discussed with more experienced fellow officers, of local as well as Federal jurisdiction, the nature and operation of illegal gambling and bookmaking enterprises. I have also, from time to time, discussed with known convicted bookmakers the nature of their operation.

Based upon my experiences in gambling investigations, I can make the following observations. Conducting the business of bookmaking involves several levels of participation with the participants at each level necessarily maintaining records of their transactions with people above and below their echelon of activity. Bookmakers generally recognize that making use of telephones in interstate commerce in the conduct of their business violates Federal law. They go to great lengths not only to camouflage their bookmaking activities, but also to insulate themselves from any such use of interstate telephone calls. Such use is, at times, nonetheless necessary. Interstate and foreign telephone calls are made generally for one or both of these reasons: to "lay off" bets; to get "line information." "Laying off" bets means to place bets on the same horse or team

in a sporting event on which the bookmaker has accepted bets, so that he in effect is betting both ways. The purpose is to protect against heavy losses. "Line information" is information about the odds or point spread on a particular horse or sporting event on a given day.

I can say also that to guard against prosecution, important bookmakers commonly hire people to perform the hazardous functions of the bookmaking enterprise, such as accepting and laying off wagers. Where this is done, it is essential that there be some system for "settling up" accounts between employer and employee. That is, the proceeds of the operation collected by the employees from losing bettors must be passed on to the employers in the bookmaking operation. In some bookmaking operations, the settling up process is done on a weekly basis.

In virtually all gambling cases and bookmaking cases, as well as others involving different crimes, I have dealt with confidential informants. During the past four years, I have continuously received and used information from one particular confidential informant, whose information has proven to be extremely reliable. Information from this informant has resulted in numerous local and Federal arrests, and numerous convictions.

As long as several months ago, this above mentioned informant had advised me that Benjamin Nicoletti, Sr., of Lewiston, New York, was supervising a bookmaking operation for Stefano Magaddino of Lewiston, New York. During September, October, and November of 1968, this same informant advised me that this same operation was continuing and supplied me with the specific details of how the bookmaking operation was being conducted. The informant advised me that he had learned these details from Benjamin Nicoletti, Sr. and Peter A. Magaddino, during the same period that he was giving me the information; i.e.,

September, October, and November, 1968. The details so supplied to me by the informant are as follows:

Benjamin Nicoletti, Sr., in carrying on the bookmaking operation for Stefano Magaddino, deals directly through his son, Benjamin Nicoletti, Jr. Benjamin Nicoletti, Jr., acting on behalf of his father, Benjamin Nicoletti, Sr., employs Patsy Passero, Gino Monaco, Louis Tavano, Sam Puglese, Augie Rizzo, and Mike Farella as bookmakers. Their primary function is to accept wagers from and settle up with bettors. Benjamin Nicoletti, Jr. exericses some degree of control over these operations, normally by being accessible to them by telephone during bookmaking hours in order to solve any difficulties arising out of the bookmaking operation.

The informant advised that Benjamin Nicoletti, Jr. also engages in actual bookmaking in conjunction with the above described operation. The informant said that Benjamin Nicoletti, Jr. personally runs the sports book which involves the accepting and sometimes laying off of wagers on sporting contests as contrasted to horse races.

The same informant further advises that one of the above-named employees is designated by Benjamin Nicoletti, Jr. to lay off excess action to certain notorious bookmakers in Canada, and to accept lay-off action from them. The Canadians named by the informant are the Iannuzzellis, Ernest Reinhart, and Walter Chomski; all of whom live in the Province on Ontario.

The informant advised that during October, 1968, Benjamin Nicoletti, Jr. operated his bookmaking enterprises at Niagara Falls, New York telephone number 284-0879 (subsequently determined to be listed to Ralph Fava, 2241 South Avenue, Niagara Falls, New York), and at Niagara Falls, New York telephone number 284-8559 (subsequently determined to be listed to Ronald Appoloney, 513 15th Street, Niagara Falls, New York). Sometime during November, 1968, Benjamin Nicoletti, Jr. began to also use in connection with his bookmaking enterprise Niagara Falls, New York telephone number 285-7798

(subsequently determined to be listed to Louis Cubello, 2262 Woodlawn Avenue, Niagara Falls, New York). The informant further advised that Augie Rizzo is currently accepting wagers for Benjamin Nicoletti, Jr. in North Tonawanda, New York, and is using telephone number 694-3312 to accept betting action. (This telephone number was subsequently determined to be listed to Irene Durick, 257 Witmer Road, North Tonawanda, New York.)

The above-mentioned informant advised as follows regarding settling up in the operation. The employees named above settle up with the bettors and then with Benjamin Nicoletti, Jr. sometime prior to Tuesday of each week.

Once a week, normally on Tuesday, Benjamin Nicoletti, Jr. meets with his father to balance their books, with the son passing on to the father the percentage of the profits due the father and the percentage of profits due Stefano Magaddino. Also on Tuesday, Benjamin Nicoletti, Sr. similarly settles up with Stefano Magaddino. For purposes of this task, Benjamin Nicoletti, Sr. meets with Peter A. Magaddino, Stefano Magaddino's son, and passes on the share due Stefano Magaddino. Peter A. Magaddino then promptly delivers the proceeds to his father, Stefano Magaddino.

The same informant advised me that over the past several years, Stefano Magaddino has used the Magaddino Memorial Chapel in the informant's presence as a meeting place for the transaction of business related to illegal bookmaking, gambling, and loan-sharking activities. The business so conducted consisted of reporting on problems as they arose, and settling up of accounts. He further advised that Stefano Magaddino controls all major bookmaking and gambling activity in Niagara Falls, New York. Additionally, he advised that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Since I have been assigned to the Buffalo Office of the Federal Bureau of Investigation, I have received information from more than five confidential

informants, all of whom have given other information which proved reliable, that Stefano Magaddino controls all large scale bookmaking and gambling activity in Niagara Falls, New York. On November 22, 1968, I spoke to two informants, both of whom have given reliable information in the past, and neither of whom is the one I have referred to above. Each informant on that occasion advised me that Stefano Magaddino still controls all large scale bookmaking, gambling, and loan shark activity in Niagara Falls, New York. One of the two also confirmed that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Joseph E. Griffin, Jr.

Sworn to and subscribed before me
this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, John E. Belkota, being duly sworn, depose and say:

I am a Lieutenant in the Niagara Falls Police Department on which force I have worked for 17 years. For the past 9 years, I have participated in more than 100 investigations of bookmaking and related crimes and have participated in the arrests of more than 200 individuals on such charges. Virtually all led to convictions or pleas of guilty. During that time, I have had extensive contact with confidential informants.

For the past several years, I have received information from several informants, all of whom have given reliable information in the past leading to arrests and convictions on bookmaking charges, that Benjamin Nicoletti, Sr. runs a large bookmaking operation. Overseeing the daily activities of the operation is his son, Benjamin Nicoletti, Jr.

During September, October and November of 1968, I have received information from several of these reliable informants that Gino Monaco, Sam Puglese and Mike Farella are working as bookmakers for the Nicoletti's. Their operations consist primarily of accepting wagers by telephone, collecting from losing bettors and paying off winners. During November, 1968, one of these reliable informants advised me that Louis Tavano also is working as a bookmaker for the Nicoletti's.

The same reliable informants have also advised me during the period September, October and November of 1968, that Patsy Passero deals with Benjamin Nicoletti, Jr. in a lay off operation.

The information from the above mentioned informants has been corroborated by investigation conducted by members of my Confidential Squad. For instance, I was advised that the residences of Ralph Fava, Ronald Appoloney and an apartment above a branch post office in Niagara Falls, New York, were being used at various times as telephone rooms. Subsequent physical surveillance by detectives in my unit placed the bookmakers at these premises during prime bookmaking hours.

Prime bookmaking hours consist of those times when wagering is most heavily conducted. For horse races, this is usually 1:00 P.M. to 5:00 P.M., Monday through Saturday. For other sporting contests commonly played on weekends, the prime time is generally 1:00 P.M. to 4:00 P.M., on Saturday and Sunday.

Based upon my trust in the reliability of the above mentioned informant information, investigation which that informant stimulated, and my experience investigating gambling and bookmaking cases in Niagara Falls, New York for the past 9 years, I can state the following:

I know Gino Monaco to have an extensive bookmaking record and to be a long time associate of Benjamin Nicoletti, Jr. and Benjamin Nicoletti, Sr. in their gambling operation. It is my present opinion and firm belief that he is presently engaged in bookmaking and is working for the Nicoletti's in that operation.

I know Sam Puglese also to have a criminal record for gambling type cases and to be an associate of the Nicoletti's. He is now engaged as a bookmaker in the Nicoletti operation.

Mike Farella is also known to me to have a criminal record for gambling type cases. He also is an associate of the Nicoletti's. It is my present opinion and firm belief that he too is a bookmaker in the Nicoletti operation.

I know Patsy Passero to have a criminal record for bookmaking and other crimes. He, too, is a long time associate of the Nicoletti's. He is presently working with them in a lay off capacity.

Benjamin Nicoletti, Jr. has an extensive criminal record for gambling violations. He is engaged in bookmaking activities with the bookmakers named above and his father.

I know Benjamin Nicoletti, Sr. to have a criminal record for gambling and bookmaking violations. At the present time he is one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He runs the operation directly for Stefano Magaddino and Peter A. Magaddino.

This information regarding bookmaking operations by Benjamin Nicoletti, Sr. and Benjamin Nicoletti, Jr. over the past several years and specifically in the past three months, has included information that Benjamin Nicoletti, Sr. works for Peter A. Magaddino and that profits of the operation go in part to Peter A. Magaddino and Stefano Magaddino. The distribution of revenue is as follows: Benjamin Nicoletti, Jr. collects from the employee bookmakers. He passes money up to Benjamin Nicoletti, Sr. Benjamin Nicoletti, Sr. meets with Peter A. Magaddino and passes money to him. Peter A. Magaddino passes the money on to Stefano Magaddino, for whom he works.

The same reliable confidential informants have advised me over the past several years that Stefano Magaddino controls all major gambling and bookmaking activity in Niagara Falls, New York. This information has been confirmed as recently as the past month by an informant whose information has always proven reliable.

Sworn to and Subscribed
Before Me This 26 Day of
November, 1968

United States Commissioner

John E. Belkota
JOHN E. BELKOTA

AFFIDAVIT

I, James Moody, being duly sworn, depose and say:

I am presently employed by the City of Niagara Falls Police Department, Niagara Falls, Ontario, Canada, in the position of Detective in Charge of the Special Branch.

My primary duties consist of supervising and conducting investigations relating to criminal intelligence, vice, bookmaking and gambling. I have been a police officer for the City of Niagara Falls, Ontario, Canada for the past 14 years and served in my present position for the past 2½ years. I have testified on numerous occasions in the prosecution of bookmaking cases. I have participated in over 100 arrests of bookmakers and gamblers.

Ernest Albert Reinhart, Niagara Falls, Ontario, Canada Police Department Number 4122, resides at 1001 Stanley Avenue, Niagara Falls, Ontario, Canada. During the period of 1955 through 1967, this man has been convicted twice of keeping a common betting house; i.e., an establishment used for bookmaking. In 1967, he was sentenced to jail for one year and fined $4,000 for engaging in bookmaking. It is my present opinion and firm belief that this man is presently one of the largest active bookmakers in Ontario.

I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 354-0264 is subscribed to the Demitasse Gift Shop, located on Clifton Hill in Niagara Falls, Ontario, Canada.

I have determined through investigation that Reinhart, who is co-owner of the Demitasse Gift Shop, is utilizing telephone number 354-0264 in the furtherance of his bookmaking operation.

It is also a matter of public record that Ernest Reinhart is a known gambler, who associates with the gambling element in the City of Niagara Falls, Ontario. The public record I refer to is the 1964 copy of the Report of the Ontario Police Commission on Organized Crime, Page 45, wherein it is set forth that Reinhart is engaged in gambling activity.

George Zarafonitis, at the present time, resides at 1100 Center Street, Unit 11, Niagara Falls, Ontario, Canada. During the period of 1940 through 1959, this person's criminal record shows that he has been convicted on several occasions for being found in a gaming house and being a keeper of a gaming house. At the present time, it is my opinion and firm belief that George Zarafonitis is currently and extensively engaged in bookmaking activity within the Province of Ontario, Canada.

I have determined through investigation that George Zarafonitis is utilizing telephone number 356-5303 in the furtherance of his bookmaking operation. I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 356-5303 is subscribed to by George Zarafonitis, 1100 Center Street, Niagara Falls, Ontario.

I have also determined through investigation that George Zarafonitis is also utilizing telephone number 358-9064 in furtherance of his bookmaking activity. In accordance with records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, it was determined that telephone number 358-9064 is subscribed to by Van's Candy Kitchen, Niagara Falls, Ontario. George Zarafonitis is the Manager of Van's Candy Kitchen and is using that telephone for bookmaking purposes.

Walter Chomski resides at 1331 Crestdale Road, Mississauga, Ontario, Canada. This man is now using the name of Charles Watson.

I have had knowledge of Walter Chomski and that he has been extensively engaged in bookmaking activities over the past several years. It is my present opinion and firm belief that he has been actively and extensively engaged in bookmaking activities.

Albert Joseph Pitts resides at 862 Second Avenue, Niagara Falls, Ontario, Canada, and in 1959, this man was arrested for keeping a common betting house and fined $500. He is known by me to associate with gamblers and bookmakers in the City of Niagara Falls, and has made frequent trips out of town in connection with and furtherance of his gambling activity.

It is my present belief and firm opinion that Pitts is currently engaged in gambling activity.

Albert Iannuzzelli is co-owner of the Hilltop Motel, located on Clifton Hill in Niagara Falls, Ontario, Canada. He is a close associate of Ernest Reinhart and for a number of years has been involved in gambling in Niagara Falls, Ontario, Canada.

He has no criminal record, but it is a matter of public record that he is engaged in gambling activity.

I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the participation of Albert and Louis Iannuzzelli in gambling activity. In that report they are listed as Canadian backers of the Ramsey Club, a now defunct gambling club. The report also sets out that the Hilltop Motel was being utilized as a meeting place for the Iannuzzellis and Benjamin Nicoletti, Sr.

Louis Iannuzzelli, brother of Albert Iannuzzelli, is a co-owner of the Hilltop Motel, located at Clifton Hill, Niagara Falls, Ontario, Canada.

Louis Iannuzzelli is a close associate of Ernest Reinhart and for a number of years has been involved in gambling activity at Niagara Falls, Ontario, Canada.

Louis Iannuzzelli has no criminal record; however, his gambling activity is a matter of public record and I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the gambling activities of Louis Iannuzzelli.

It is my present opinion and firm belief that Albert and Louis Iannuzzelli are currently actively engaged in gambling activities.

Mrs. Elaine Marion Barker, 99 Connolly Avenue, Toronto, Ontario, Canada, has Metropolitan Toronto, Ontario Police Department Number 2282/63. The Metropolitan Toronto Police Department advises me that Mrs. Barker has been arrested for theft in 1961 and 1967. They have also advised that she is currently on bail as of November 1, 1968, on a charge of keeping a common betting house.

Bert Nero, 2379 Russell Street, Niagara Falls, Ontario, and who has Niagara Falls, Ontario Police Department Number 1815, is a convicted bookmaker. It is my present opinion and firm belief that this man is currently and actively engaged in gambling.

Ronnie Garth Masotti, 1783 Ferry Street, Niagara Falls, Ontario, is known to me as a professional gambler in the Ontario Canada and Western New York, United States area. He has Niagara Falls, Ontario Police Department Number 1608 and has a criminal record dating from 1958 through 1967. My investigation has revealed that this man's telephone number 356-1466 has been in contact with one Patsy Passero of Niagara Falls, New York. It is my present opinion and firm belief that this man is currently and actively engaged in gambling activities within the Province of Ontario and Western District of New York, United States area.

Police officials of the Hamilton Police Department, advise me that F. M. Golo is actively engaged in bookmaking.

Police officials of the Metropolitan Toronto Police Department advise me that the Executive Club, 491 Lawrence Avenue, West, Toronto, Ontario, Canada, is known as a hangout for gamblers and bookmakers.

I have caused a check of the Canadian Bell Telephone Company, Toronto, Ontario, Canada, to be made and I have determined that telephone number 789-5347 in Toronto, Ontario, Canada, is subscribed to the Executive Club. Police officials of the Metropolitan Toronto Police Department advise me that Jack Beal of Toronto, Ontario Canada is actively involved in gambling and has access to this telephone.

James Moody

James Moody

Sworn to and Subscribed
Before Me This 25 Day
of November, 1968

United States Commissioner

United States District Court

FOR THE

W. D N Y

Commissioner's Docket No. 68

Case No. 11

UNITED STATES OF AMERICA

v

Benjamin Nicoletti Sr.

TEMPORARY COMMITMENT
of

To: The United States Marshal of the West District of N Y ;

You are hereby commanded to take the custody of the above named defendant and to commit him with a certified copy of this commitment to the custodian of a place of confinement within the West District of N Y approved by the Attorney General of the United States where the defendant shall be received and safely kept until discharge in due course of law. The above named defendant has been arrested but not yet fully examined by me upon the complaint of Roy Kruger , charging that on or about Sept Nov , 1968 at in the West District of N Y the defendant did engage in gambling & use telephone that facilities in foreign commerce

in violation of U.S.C. Title 18 , Section 1952, 2+371

; and he has been directed to furnish bail in the sum of One Hundred Thousand dollars ($ 100,000 -) for his appearance before me at Buffalo in accordance with all my orders and directions relating thereto, and he has failed to do so.

Dated:

11-26, 1968.

United States Commissioner.

RETURN

Received this commitment and designated prisoner on NOV 26, 1968, and on NOV 26, 1968, committed him to ERIE CO JAIL, and left with the custodian at the same time a certified copy of this commitment.

Dated:

NOVEMBER 26, 1968

ALVIN GRISSMAN,
United States Marshal.

WESTERN District of N.Y.

By Thomas Jassett, #23-C
Deputy.

Form A. O. 90 (Rev. 7-26-50)

Commissioner's Warrant of Arrest

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 111

UNITED STATES OF AMERICA

v

BENJAMIN NICOLETTI, SR.

WARRANT OF ARREST

To any authorized Agent of the Federal Bureau of Investigation:[1]

You are hereby commanded to arrest BENJAMIN NICOLETTI, SR. (here insert name of defendant or description) , and bring him forthwith before the nearest available United States Commissioner to answer to a complaint charging him

with being engaged in the business of gambling and bookmaking in violation of the laws of the State of New York, and knowingly conspiring to use and using and causing to be used telephone facilities in foreign commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said gambling and bookmaking business (here describe offense charged in complaint)

in violation of U.S.C. Title, 18 , Sections 1952, 2, and 371.

Date November 26 , 1968 .

Edward S. McCarthy
United States Commissioner.

1. Here insert designation of officer to whom warrant is issued.

RETURN

Received November 26 , 1968 at Buffalo, NY , and executed by arrest of Benjamin Nicoletti Sr.

at Niagara Falls, NY on November 26 , 1968.

Donald E. Hartnett
Name.

Special Agent F.B.I.
Title.

Date

Western District of New York

, 19 .

By , Deputy

Form A.O. 91 (Rev.12-1-58) Complaint

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v

STEFANO MAGADDINO, PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR., BENJAMIN NICOLETTI, JR., GINO FRANK MONACO, SAM JOSEPH PUGLESE, MICHAEL FARELLA, AUGUSTINE RIZZO, JR. a/k/a Augie Rizzo, PATSY PASSERO, and LOUIS TAVANO.

Commissioner's Docket No. 68

Case No. 111

COMPLAINT for VIOLATION of

U.S.C. Title 18

Sections 1952, 2 and 371

BEFORE Edmund F. Maxwell, 1112 Prudential Building, Buffalo, New York
Name of Commissioner — Address of Commissioner

The undersigned complainant being duly sworn states:
That ~~on or about~~ during the months of September, October, and November, 1968, up to and including the date of this ~~complaint~~ complaint, at Niagara Falls, New York, Lewiston, New York, North Tonawanda, New York, Tonawanda, New York, and elsewhere in the

State and Western District of New York

(1) STEFANO MAGADDINO, PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR., BENJAMIN NICOLETTI, JR., GINO FRANK MONACO, SAM JOSEPH PUGLESE, MICHAEL FARELLA, AUGUSTINE RIZZO, JR. a/k/a/ Augie Rizzo, PATSY PASSERO, and LOUIS TAVANO

did (2) while engaged in the business of gambling and bookmaking in violation of the laws of the State of New York, knowingly conspire to use, use and cause to be used, telephone facilities in foreign commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said gambling and bookmaking business.

And the complainant states that this complaint is based on the attached affidavits of Special Agent Raymond C. Kruger, Special Agent Joseph E. Griffin, Jr., Detective James Moody and John E. Belkota

And the complainant further states that he believes that

are material witnesses in relation to this charge.

Raymond C. Kruger
Raymond C. Kruger, S.A., Signature of Complainant.
F.B.I.
Official Title.

Sworn to before me, and subscribed in my presence, Nov 26, 1968

Edmund F. Maxwell
United States Commissioner.

(1) Insert name of accused.
(2) Insert statement of the essential facts constituting the offense charged.

AFFIDAVIT

I, Raymond C. Kruger, being duly sworn, depose and say:

I have been employed as a Special Agent of the Federal Bureau of Investigation for over 17 years, and have worked for the past five years in the Buffalo Division of the Federal Bureau of Investigation. During this period of time, I have regularly participated in investigating gambling and bookmaking matters. I have participated in investigating in excess of 50 such gambling and bookmaking cases. I have participated in numerous Grand Jury investigations of gambling and bookmaking matters.

Fellow Special Agent, Joseph E. Griffin, Jr., received certain information from an informant regarding the conduct of a bookmaking operation involving STEFANO MAGADDINO, BENJAMIN NICOLETTI, SR., PETER A. MAGADDINO, SAM PUGLESE, AUGIE RIZZO, MIKE FARELLA, LOUIS TAVANO, of the United States, the IANNUZZELLIs, ERNEST REINHART, WALTER CHOMSKI of Canada, and also involving New York telephone numbers, the subscribers of which were determined to be RALPH FAVA, LOUIS CUBELLO and RONALD APPOLONEY.

Based on this informant information received by Special Agent Joseph E. Griffin, Jr., and more fully set out in his affidavit, submitted in application for the warrant herein sought, I began an investigation which consisted of collecting available information and gathering new information relative to the information received from the proven reliable informant. In the course of this investigation, I gathered available information concerning the personal reputations and criminal records of the individuals alleged to be involved. In addition, certain physical observations which had been conducted were reviewed and certain new physical observations were commenced.

Information from the telephone company was gathered as to toll calls emanating from certain telephones. The personal observations were made by the Niagara

Falls, New York Police Department and the Federal Bureau of Investigation. Several officers of the Niagara Falls Police Department and numerous Agents of the Federal Bureau of Investigation were involved in carrying out these physical observations.

The information gathered in the course of this investigation is as follows:

PATSY PASSERO

Address: 2895 Lewiston Road, Niagara Falls, New York

PATSY PASSERO, FBI Number 2210855, identified by the informant as a bookmaker working for the NICOLETTIs, has an arrest record which dates from 1940 to 1967. He has been arrested three times for burglary, once for suspicion of robbery and one time for bookmaking. He has been convicted twice of burglary and once for bookmaking offenses. According to Lieutenant John E. Belkota, he is a long-time associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR., identified by the informant as the supervisors of their operation, and is presently associated with them in a "lay off" capacity.

Over the past six months, numerous telephone calls have emanated from the PASSERO residence during the prime bookmaking time. Many were made to Canada to known bookmaking establishments and persons connected with bookmaking and gambling. In addition to the foreign calls, there were interstate calls made to numbers commonly associated with bookmaking and gambling.

During this same period of time, calls were made from Canada, from numbers known to be connected with bookmaking activity to the telephone at the residence of PATSY PASSERO.

Personal observations during the month of November, 1968, further indicate that PATSY PASSERO is at home during the prime bookmaking hours. PASSERO's car has been spotted on occasions as recently as November, 1968, in the vicinity of the Niagara Sundry, the place

of business of MIKE FARELLA, identified by the informant as a bookmaker for the NICOLETTIs.

On one occasion, during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO, was seen meeting and talking with PATSY PASSERO. TAVANO has also been identified as a bookmaker for the NICOLETTIs.

GINO MONACO

Address: Sleepy Time Motel, 6831 Pine Avenue, Niagara Falls, New York

GINO MONACO, also known as Gino Frank Monaco, FBI Number 322281D, also identified by the informant as a bookmaker for the NICOLETTIs, has a criminal record dating from February 8, 1955 through June 12, 1967, during which time he has been charged with and convicted of gambling violations on three different occasions. Investigation revealed no present legitimate source of income for GINO MONACO. In addition to that, as can be seen more particularly from the affidavit of Lieutenant John E. Belkota, which is also submitted in connection with the warrant herein sought, MONACO is known to the Niagara Falls Police Department as a long-time associate of BENJAMIN NICOLETTI, JR., and BENJAMIN NICOLETTI, SR., in their gambling operation, and is presently believed to be personally engaged in bookmaking for the NICOLETTIs.

Personal observation of MONACO on November 15, 1968, placed him at the address of 1120 Linwood, Niagara Falls, New York, during prime bookmaking time. During the same week, his automobile was seen near the same address.

The same premises were also visited by BENJAMIN NICOLETTI, JR. during that week during prime bookmaking hours.

Personal observations as recently as during the past week indicate that MONACO visits BENJAMIN NICOLETTI, JR. at the latter's home. A physical observation on Monday night, November 18, 1968, also placed MONACO in a meeting with BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR. for at least a four-hour period at the

then closed Red Carpet Lounge. During the month of November, 1968, GINO MONACO was observed meeting with MIKE FARELLA, previously identified as one of NICOLETTI's bookmakers, at a shop known as Mario's. Mario's sells various racing forms on a daily basis.

SAM PUGLESE

Address: 177 61st Street, Niagara Falls, New York

SAM PUGLESE, FBI Number 70402G, identified by the informant as one of NICOLETTI's bookmakers, has been arrested and convicted on gambling charges in 1964 and 1967. Investigation reveals no legitimate source of income for SAM PUGLESE. Again referring to the affidavit of Lieutenant John E. Belkota, it appears therein that SAM PUGLESE is known to the Niagara Falls, New York Police Department as an active bookmaker and associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

During September, October and November, 1968, personal observations have on numerous occasions placed PUGLESE at the house of RALPH FAVA during prime bookmaking time. The telephone subscribed to by Ralph Fava was identified by the informant as used in the NICOLETTI bookmaking operation. On each of these occasions, BENJAMIN NICOLETTI, JR. was also there during said prime bookmaking time. As noted infra, FAVA's telephone has been used to contact other bookmakers.

MIKE FARELLA

Business Address: Niagara Sundry, 1216 Niagara Street, Niagara Falls, New York

MIKE FARELLA, FBI Number 804012, identified by the informant as a bookmaker for the NICOLETTIs, from 1934 to 1967, has been arrested five times and convicted four times for gambling activity. Again referring to Lieutenant John E. Belkota's affidavit, he is known as an associate of BENJAMIN NICOLETTI, JR. and BENJAMIN

NICOLETTI, SR., and is presently believed to be a bookmaker in that operation. Up to and including the present time, personal observations have revealed that the Sundry Shop is not operated under normal conditions. It was noted that its door is locked and admittance can be gained only by attracting the attention of those inside.

As noted supra, personal observation has placed MIKE FARELLA meeting with GINO MONACO, at a shop known as Mario's.

LOUIS TAVANO

Address: 5308 Elm Drive, Lewiston, New York

LOUIS C. TAVANO, identified by informant as one of the bookmakers working for the NICOLETTIs, is known to the Niagara Falls, New York Police Department as an active bookmaker. Lieutenant Belkota identifies him as working in that capacity for BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

Over the past two months numerous foreign, interstate and intrastate telephone calls have emanated from LOUIS TAVANO's residence at 5308 Elm Drive, Lewiston, New York. Telephone numbers known to be utilized by ERNEST REINHART, a notorious bookmaker in Ontario, Canada, are among those called. In addition, these same numbers in Canada are used to place calls to TAVANO in Lewiston, New York during the same period of time. Numerous additional calls were emanating during the same period from the TAVANO residence to a telephone number used by ANGELO BONITO, identified to me by the Buffalo Police Department as a known bookmaker in Buffalo, New York. During the same two-month period, numerous calls emanated from this same Buffalo telephone number to TAVANO. The telephone number used by Bonito was used to make calls to the RALPH FAVA residence in Niagara Falls, New York. RALPH FAVA's home and telephone are identified elsewhere in this affidavit and in the affidavit of Joseph E. Griffin, Jr., as used by BENJAMIN NICOLETTI, JR. in the carrying on of his bookmaking operation.

Personal observations have also placed BENJAMIN NICOLETTI, JR., BENJAMIN NICOLETTI, SR. and GINO MONACO at a meeting at TAVANO's Red Carpet Lounge, Pine Avenue, Niagara Falls, New York, on Monday, November 18, 1968. It was noted that at the time of this observation, the Red Carpet Lounge was not open for business. During the course of this same observation and at the conclusion of the meeting among the above three mentioned individuals, BENJAMIN NICOLETTI, JR. was seen to secure and lock the front door of TAVANO's restaurant and, place the key in his pocket.

On one occasion during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO was seen meeting and talking with PATSY PASSERO.

AUGIE RIZZO

Address: 257 Witmer Road, North Tonawanda, New York

AUGUSTINE RIZZO, JR., identified by informant as a bookmaker for the NICOLETTIs, is also known as Augie Rizzo, and is known to Lieutenant Frank Malone, North Tonawanda, New York Police Department to be residing at 257 Witmer Road, North Tonawanda, New York with one Irene Durick. Lieutenant Malone advised on November 25, 1968 based upon informants and independent investigation that RIZZO is presently and has been for the past three months actively engaged in bookmaking. Lieutenant Malone advises that he has also determined that Rizzo is utilizing the telephone subscribed to by Irene Durick, 257 Witmer Road, North Tonawanda, New York, for bookmaking purposes.

Over the past six months, numerous telephone calls have emanated from the Durick residence during prime bookmaking time, to known bookmakers and bookmaking establishments.

RONALD APPOLONEY, RALPH FAVA and LOUIS CUBELLO are the subscribers to the telephones identified by the informant as being used in the NICOLETTI bookmaking operation.

RONALD APPOLONEY

Address: 513 15th Street, Niagara Falls, New York
Telephone: 716 284-8559

Personal observations of RONALD APPOLONEY's residence during October and November, 1968 place BENJAMIN NICOLETTI, JR. at that residence. As will be noted, infra, RONALD APPOLONEY has during the past two months, been seen to visit the residences of RALPH FAVA and BENJAMIN NICOLETTI, JR.

RALPH FAVA

Address: 2241 South Avenue, Niagara Falls, New York
Telephone: 716-284-0879
716-284-0792

Over the past six months, telephone calls have emanated from the residence of RALPH FAVA to telephone numbers in Canada associated with bookmakers and gamblers. Numerous calls over the past six months have gone from FAVA's house to a number known to be used by a bookmaker in Buffalo, New York. These calls were frequently made during prime bookmaking hours. As above-noted, in the discussion of LOUIS TAVANO, numerous telephone calls have come from a different Buffalo, New York bookmaking operation to a telephone at FAVA's residence. It is also noted that on September 13, 1968, a second and additional telephone with a separate and distinct number was installed in FAVA's home.

Extensive personal observation of the FAVA residence since September, 1968, revealed that it was very frequently visited by BENJAMIN NICOLETTI, JR. during the period of prime bookmaking time. Periodically over the past three months, FAVA's residence has also been visited by SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR.

LOUIS CUBELLO

Address: 2262 Woodlawn Avenue, Niagara Falls, New York
Telephone: 716-285-7798

In November, 1968, BENJAMIN NICOLETTI, JR. has been observed to be at LOUIS CUBELLO's residence during prime bookmaking time.

BENJAMIN NICOLETTI, JR.

Address: 2654 North Avenue, Niagara Falls, New York

BENJAMIN NICOLETTI, JR., FBI Number 80339G has been arrested five times from 1964 to 1967, for gambling offenses. He has been convicted on two of these charges, and he has gambling charges pending. Investigation has revealed no legitimate source of income for BENJAMIN NICOLETTI, JR. He is known to the Niagara Falls, New York Police Department as can be seen by the affidavit of Lieutenant John E. Belkota, as an active bookmaker.

Telephone records of BENJAMIN NICOLETTI, JR.'s home telephone indicate that at least on one occasion a call emanated therefrom to a telephone number known to be used and connected with known bookmakers and gamblers in Toronto, Ontario, Canada. As previously noted in the discussion of RALPH FAVA, BENJAMIN NICOLETTI, JR. has been frequently observed to be at FAVA's home during prime bookmaking time. FAVA's telephone, during prime bookmaking time, has been used to transmit and receive calls from and to numbers associated with foreign and New York State bookmaking interests.

As previously described, BENJAMIN NICOLETTI, JR. has been personally observed on recent occasions at the residences of LOUIS CUBELLO and RONALD APPOLONEY. Personal observations previously described have also placed BENJAMIN NICOLETTI, JR. within the past three months as meeting on numerous occasions GINO MONACO, SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR. Personal

observations have established that BENJAMIN NICOLETTI, JR. meets with BENJAMIN NICOLETTI, SR., immediately prior to the time that BENJAMIN NICOLETTI, SR. meets with PETER A. MAGADDINO. These meetings most frequently occur at the home of BENJAMIN NICOLETTI, SR. at 455 Cayuga Street, Lewiston, New York.

BENJAMIN NICOLETTI, SR.

Address: 455 Cayuga Street, Lewiston, New York
1002 Hewitt Drive, Lewiston, New York

BENJAMIN NICOLETTI, SR., FBI Number 285280, has an arrest record dating from 1930. He has been arrested once for burglary, twice for robbery and five times for gambling violations. He was convicted twice for bookmaking and gambling activity. There is currently pending before the Grand Jury of Niagara County, a gambling charge. He is known to Niagara Falls, New York Police Department, as can be seen more particularly in the affidavit of Lieutenant John E. Belkota, as one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He is further identified by Lieutenant John E. Belkota to be running the gambling operation in Niagara Falls, New York for STEFANO MAGADDINO and PETER A. MAGADDINO.

As previously mentioned, BENJAMIN NICOLETTI, SR. was observed meeting BENJAMIN NICOLETTI, JR. and GINO MONACO at LOUIS TAVANO's Red Carpet Lounge. It has also been noted above that BENJAMIN NICOLETTI, SR. has visited RALPH FAVA's residence. Numerous personal observations reveal that on or about Tuesday morning of each week, BENJAMIN NICOLETTI, SR. meets with BENJAMIN NICOLETTI, JR. Thereafter, and at approximately 2:00 p.m. of each Tuesday, BENJAMIN NICOLETTI, SR. rendezvous with PETER A. MAGADDINO. Their meetings have frequently and most recently taken place at the Your Host Restaurant on Niagara Falls Boulevard, Tonawanda, New York. On a number of these occasions, BENJAMIN NICOLETTI, SR. appeared to be passing an object to PETER A. MAGADDINO. During some of

these meetings, a nearby Special Agent of the Federal Bureau of Investigation overheard large dollar figures being discussed. On one occasion, a placemat on which BENJAMIN NICOLETTI, SR. had written, was recovered containing several numerical notations. After these meetings with PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR. was personally observed to return to one or the other of his two homes, i.e. 455 Cayuga Street, Lewiston, New York or 1002 Hewitt Drive, Lewiston, New York.

PETER MAGADDINO

Address: 1103 22nd Street, Niagara Falls, New York

PETER A. MAGADDINO is known to the Niagara Falls, New York Police Department to be working directly for his father and over BENJAMIN NICOLETTI, SR., collecting the proceeds from bookmaking operations and in turn remitting them to his father, STEFANO MAGADDINO, as can be seen by the affidavit of Lieutenant John E. Belkota.

PETER A. MAGADDINO, as previously noted, has been personally observed to meet with BENJAMIN NICOLETTI, SR. on Tuesdays and receive a package from him. Personal observations indicate that immediately thereafter PETER A. MAGADDINO returns to the Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. On at least one occasion, when it was apparent that his father, STEFANO MAGADDINO was not at the Magaddino Memorial Chapel, PETER A. MAGADDINO bypassed the Chapel and then drove to his own home, 1103 22nd Street, Niagara Falls, New York.

STEFANO MAGADDINO

Business Address: Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York

Home Address: 5118 Dana Drive, Lewiston, New York

STEFANO MAGADDINO is also known to the Niagara Falls, New York Police Department to be in control of all

major gambling and bookmaking activity in Niagara Falls, New York, as can be seen by the affidavit of Lieutenant John E. Belkota. His information concerning STEFANO MAGADDINO is in complete accord with the information and belief of the deponent.

ERNEST REINHART, WALTER CHOMSKI, ALBERT IANNUZZELLI, and his brother LOUIS IANNUZZELLI, all of whom were mentioned in the informant information referred to in Special Agent Joseph E. Griffin, Jr.'s affidavit, are known to the Canadian police to be actively engaged in bookmaking and/or gambling activity in Canada. At least one of them has been convicted on gambling charges, as can be seen by the affidavit of Detective James Moody, a Niagara Falls, Ontario Police Officer. His affidavit is also submitted in support of the issuance of this warrant.

On several occasions during the pertinent period of the investigation, PETER A. MAGADDINO was seen to drive a 1966 black Cadillac, with New York State Registration 8E 2952, to and from the weekly meetings with BENJAMIN NICOLETTI, SR.

On every occasion during the pertinent period of the investigation, BENJAMIN NICOLETTI, SR. drove a 1967 brown Cadillac, with New York State Registration 5280 NF to and from the weekly meetings with PETER A. MAGADDINO.

BENJAMIN NICOLETTI, JR. is the registered owner of a 1967 green Buick, with New York State Registration 9543 NF. He has used this automobile to go to his father's for their weekly meeting. His car has also frequently been seen at his other bookmaking establishments.

PATSY PASSERO is the registered owner of the 1965 red Dodge, with New York State Registration LO 2246. During the pertinent period of this investigation, PATSY PASSERO has used his car on a daily basis and in meeting with other NICOLETTI bookmakers.

Based on all the information above and all the information in the affidavits of Joseph E. Griffin, Jr., John E. Belkota and James Moody, I have reason to believe and do believe as follows:

1. There are gambling records and paraphernalia and evidence of gambling violations in the above-described automobiles.

2. There are gambling records, moneys, telephones, other gambling paraphernalia, and evidence of the commission of gambling violations at the following premises:

(a) Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. I have determined that the Assessor of the City of Niagara Falls, New York, carries this premises as the location of the Magaddino Funeral Home, Inc.;

(b) The home of PETER A. MAGADDINO, 1103 22nd Street, Niagara Falls, New York;

(c) The homes of BENJAMIN NICOLETTI, SR., 455 Cayuga Street, Lewiston, New York, and 1002 Hewitt Drive, Lewiston, New York;

(d) The home of BENJAMIN NICOLETTI, JR., 2654 North Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York, has this property listed as owned by MARGUERITE M. NICOLETTI;

(e) The home of PATSY PASSERO, 2895 Lewiston Road, Niagara Falls, New York;

(f) The business address of MICHAEL FARELLA, The Niagara Sundry Shop, 1216 Niagara Street, Niagara Falls, New York. This Premises is listed by the Assessor of the City of Niagara Falls, New York as owned by ANGELO and ANNA GODINO;

(g) The home of AUGIE RIZZO, 257 Witmer Road, North Tonawanda, New York. This premises is listed by the Assessor of the City of North Tonawanda, as being owned by Saj Trucking and Excavating, Inc.;

(h) The home of SAM PUGLESE, 177 61st Street, Niagara Falls, New York. This premises is listed by the Assessor of the City of Niagara Falls, New York, as owned by NICHOLAS PUGLIESE;

(i) The home of RALPH FAVA, 2241 South Avenue, Niagara Falls, New York;

(j) The home of LOUIS CUBELLO, 2262 Woodlawn Avenue, Niagara Falls, New York;

(k) The home of RONALD APPOLONEY, 513 15th Street, Niagara Falls, New York. This premises is listed by the Assessor for the City of Niagara Falls, New York, as owned by FILIPPINA PAONESSA;

(l) The home of LOUIS TAVANO, 5308 Elm Drive, Lewiston, New York; this premises is listed by the Assessor for the Town of Lewiston, New York, as owned by LEWIS TAVANO.

The full descriptions of the premises which I desire to be searched are set forth in the captions of the warrants submitted.

The information contained in those descriptions was gathered from the following sources:

(1) Barbara Lilly of the Assessors Office of the City of Niagara Falls, New York

(2) Dorothy Clark of the Assessors Office of the Town of Lewiston, New York

(3) Charles Guzzetta of the Assessors Office of the City of North Tonawanda, New York

(4) Personal observations of Special Agents of the Federal Bureau of Investigation.

There are gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations at the following premises:

The house utilized by GINO MONACO in carrying on bookmaking activity, i.e. 1120 Linwood Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York has this property listed as owned by ANTHONY DE NOFRIO.

The full description of this premises is set forth in the caption of the warrant submitted. The description was gathered from the following sources:

Barbara Lilly, the Assessors Office of the City of Niagara Falls, New York; and personal observations of Special Agents of the Federal Bureau of Investigation.

Special Agent, Federal Bureau of Investigation

Sworn to and subscribed before me this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, Joseph E. Griffin, Jr., having been duly sworn, depose and say:

I have been a Special Agent of the Federal Bureau of Investigation, assigned to the Buffalo Division of that Bureau for over four years, during which time I have been assigned to investigate gambling cases. I would estimate that I have investigated in excess of 100 gambling cases.

In the course of these investigations, I have been called upon to testify in judicial proceedings concerning and Grand Jury investigations of illegal gambling activity. In an attempt to make my investigations more meaningful, I have discussed with more experienced fellow officers, of local as well as Federal jurisdiction, the nature and operation of illegal gambling and bookmaking enterprises. I have also, from time to time, discussed with known convicted bookmakers the nature of their operation.

Based upon my experiences in gambling investigations, I can make the following observations. Conducting the business of bookmaking involves several levels of participation with the participants at each level necessarily maintaining records of their transactions with people above and below their echelon of activity. Bookmakers generally recognize that making use of telephones in interstate commerce in the conduct of their business violates Federal law. They go to great lengths not only to camouflage their bookmaking activities, but also to insulate themselves from any such use of interstate telephone calls. Such use is, at times, nonetheless necessary. Interstate and foreign telephone calls are made generally for one or both of these reasons: to "lay off" bets; to get "line information." "Laying off" bets means to place bets on the same horse or team

in a sporting event on which the bookmaker has accepted bets, so that he in effect is betting both ways. The purpose is to protect against heavy losses. "Line information" is information about the odds or point spread on a particular horse or sporting event on a given day.

I can say also that to guard against prosecution, important bookmakers commonly hire people to perform the hazardous functions of the bookmaking enterprise, such as accepting and laying off wagers. Where this is done, it is essential that there be some system for "settling up" accounts between employer and employee. That is, the proceeds of the operation collected by the employees from losing bettors must be passed on to the employers in the bookmaking operation. In some bookmaking operations, the settling up process is done on a weekly basis.

In virtually all gambling cases and bookmaking cases, as well as others involving different crimes, I have dealt with confidential informants. During the past four years, I have continuously received and used information from one particular confidential informant, whose information has proven to be extremely reliable. Information from this informant has resulted in numerous local and Federal arrests, and numerous convictions.

As long as several months ago, this above mentioned informant had advised me that Benjamin Nicoletti, Sr., of Lewiston, New York, was supervising a bookmaking operation for Stefano Magaddino of Lewiston, New York. During September, October, and November of 1968, this same informant advised me that this same operation was continuing and supplied me with the specific details of how the bookmaking operation was being conducted. The informant advised me that he had learned these details from Benjamin Nicoletti, Sr. and Peter A. Magaddino, during the same period that he was giving me the information; i.e.,

September, October, and November, 1968. The details so supplied to me by the informant are as follows:

Benjamin Nicoletti, Sr., in carrying on the bookmaking operation for Stefano Magaddino, deals directly through his son, Benjamin Nicoletti, Jr. Benjamin Nicoletti, Jr., acting on behalf of his father, Benjamin Nicoletti, Sr., employs Patsy Passero, Gino Monaco, Louis Tavano, Sam Puglese, Augie Rizzo, and Mike Farella as bookmakers. Their primary function is to accept wagers from and settle up with bettors. Benjamin Nicoletti, Jr. exericses some degree of control over these operations, normally by being accessible to them by telephone during bookmaking hours in order to solve any difficulties arising out of the bookmaking operation.

The informant advised that Benjamin Nicoletti, Jr. also engages in actual bookmaking in conjunction with the above described operation. The informant said that Benjamin Nicoletti, Jr. personally runs the sports book which involves the accepting and sometimes laying off of wagers on sporting contests as contrasted to horse races.

The same informant further advises that one of the above-named employees is designated by Benjamin Nicoletti, Jr. to lay off excess action to certain notorious bookmakers in Canada, and to accept lay-off action from them. The Canadians named by the informant are the Iannuzzellis, Ernest Reinhart, and Walter Chomski; all of whom live in the Province on Ontario.

The informant advised that during October, 1968, Benjamin Nicoletti, Jr. operated his bookmaking enterprises at Niagara Falls, New York telephone number 284-0879 (subsequently determined to be listed to Ralph Fava, 2241 South Avenue, Niagara Falls, New York), and at Niagara Falls, New York telephone number 284-8559 (subsequently determined to be listed to Ronald Appoloney, 513 15th Street, Niagara Falls, New York). Sometime during November, 1968, Benjamin Nicoletti, Jr. began to also use in connection with his bookmaking enterprise Niagara Falls, New York telephone number 285-7798

(subsequently determined to be listed to Louis Cubello, 2262 Woodlawn Avenue, Niagara Falls, New York). The informant further advised that Augie Rizzo is currently accepting wagers for Benjamin Nicoletti, Jr. in North Tonawanda, New York, and is using telephone number 694-3312 to accept betting action. (This telephone number was subsequently determined to be listed to Irene Durick, 257 Witmer Road, North Tonawanda, New York.)

The above-mentioned informant advised as follows regarding settling up in the operation. The employees named above settle up with the bettors and then with Benjamin Nicoletti, Jr. sometime prior to Tuesday of each week.

Once a week, normally on Tuesday, Benjamin Nicoletti, Jr. meets with his father to balance their books, with the son passing on to the father the percentage of the profits due the father and the percentage of profits due Stefano Magaddino. Also on Tuesday, Benjamin Nicoletti, Sr. similarly settles up with Stefano Magaddino. For purposes of this task, Benjamin Nicoletti, Sr. meets with Peter A. Magaddino, Stefano Magaddino's son, and passes on the share due Stefano Magaddino. Peter A. Magaddino then promptly delivers the proceeds to his father, Stefano Magaddino.

The same informant advised me that over the past several years, Stefano Magaddino has used the Magaddino Memorial Chapel in the informant's presence as a meeting place for the transaction of business related to illegal bookmaking, gambling, and loan-sharking activities. The business so conducted consisted of reporting on problems as they arose, and settling up of accounts. He further advised that Stefano Magaddino controls all major bookmaking and gambling activity in Niagara Falls, New York. Additionally, he advised that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Since I have been assigned to the Buffalo Office of the Federal Bureau of Investigation, I have received information from more than five confidential

informants, all of whom have given other information which proved reliable, that Stefano Magaddino controls all large scale bookmaking and gambling activity in Niagara Falls, New York. On November 22, 1968, I spoke to two informants, both of whom have given reliable information in the past, and neither of whom is the one I have referred to above. Each informant on that occasion advised me that Stefano Magaddino still controls all large scale bookmaking, gambling, and loan shark activity in Niagara Falls, New York. One of the two also confirmed that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Joseph E. Griffin, Jr.

Sworn to and subscribed before me
this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, John E. Belkota, being duly sworn, depose and say:

I am a Lieutenant in the Niagara Falls Police Department on which force I have worked for 17 years. For the past 9 years, I have participated in more than 100 investigations of bookmaking and related crimes and have participated in the arrests of more than 200 individuals on such charges. Virtually all led to convictions or pleas of guilty. During that time, I have had extensive contact with confidential informants.

For the past several years, I have received information from several informants, all of whom have given reliable information in the past leading to arrests and convictions on bookmaking charges, that Benjamin Nicoletti, Sr. runs a large bookmaking operation. Overseeing the daily activities of the operation is his son, Benjamin Nicoletti, Jr.

During September, October and November of 1968, I have received information from several of these reliable informants that Gino Monaco, Sam Puglese and Mike Farella are working as bookmakers for the Nicoletti's. Their operations consist primarily of accepting wagers by telephone, collecting from losing bettors and paying off winners. During November, 1968, one of these reliable informants advised me that Louis Tavano also is working as a bookmaker for the Nicoletti's.

The same reliable informants have also advised me during the period September, October and November of 1968, that Patsy Passero deals with Benjamin Nicoletti, Jr. in a lay off operation.

The information from the above mentioned informants has been corroborated by investigation conducted by members of my Confidential Squad. For instance, I was advised that the residences of Ralph Fava, Ronald Appoloney and an apartment above a branch post office in Niagara Falls, New York, were being used at various times as telephone rooms. Subsequent physical surveillance by detectives in my unit placed the bookmakers at these premises during prime bookmaking hours.

Prime bookmaking hours consist of those times when wagering is most heavily conducted. For horse races, this is usually 1:00 P.M. to 5:00 P.M., Monday through Saturday. For other sporting contests commonly played on weekends, the prime time is generally 1:00 P.M. to 4:00 P.M., on Saturday and Sunday.

Based upon my trust in the reliability of the above mentioned informant information, investigation which that informant stimulated, and my experience investigating gambling and bookmaking cases in Niagara Falls, New York for the past 9 years, I can state the following:

I know Gino Monaco to have an extensive bookmaking record and to be a long time associate of Benjamin Nicoletti, Jr. and Benjamin Nicoletti, Sr. in their gambling operation. It is my present opinion and firm belief that he is presently engaged in bookmaking and is working for the Nicoletti's in that operation.

I know Sam Puglese also to have a criminal record for gambling type cases and to be an associate of the Nicoletti's. He is now engaged as a bookmaker in the Nicoletti operation.

Mike Farella is also known to me to have a criminal record for gambling type cases. He also is an associate of the Nicoletti's. It is my present opinion and firm belief that he too is a bookmaker in the Nicoletti operation.

I know Patsy Passero to have a criminal record for bookmaking and other crimes. He, too, is a long time associate of the Nicoletti's. He is presently working with them in a lay off capacity.

Benjamin Nicoletti, Jr. has an extensive criminal record for gambling violations. He is engaged in bookmaking activities with the bookmakers named above and his father.

I know Benjamin Nicoletti, Sr. to have a criminal record for gambling and bookmaking violations. At the present time he is one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He runs the operation directly for Stefano Magaddino and Peter A. Magaddino.

This information regarding bookmaking operations by Benjamin Nicoletti, Sr. and Benjamin Nicoletti, Jr. over the past several years and specifically in the past three months, has included information that Benjamin Nicoletti, Sr. works for Peter A. Magaddino and that profits of the operation go in part to Peter A. Magaddino and Stefano Magaddino. The distribution of revenue is as follows: Benjamin Nicoletti, Jr. collects from the employee bookmakers. He passes money up to Benjamin Nicoletti, Sr. Benjamin Nicoletti, Sr. meets with Peter A. Magaddino and passes money to him. Peter A. Magaddino passes the money on to Stefano Magaddino, for whom he works.

The same reliable confidential informants have advised me over the past several years that Stefano Magaddino controls all major gambling and bookmaking activity in Niagara Falls, New York. This information has been confirmed as recently as the past month by an informant whose information has always proven reliable.

Sworn to and Subscribed
Before Me This 26 Day of
November, 1968

United States Commissioner

John E. Belkota
JOHN E. BELKOTA

AFFIDAVIT

I, James Moody, being duly sworn, depose and say:

I am presently employed by the City of Niagara Falls Police Department, Niagara Falls, Ontario, Canada, in the position of Detective in Charge of the Special Branch.

My primary duties consist of supervising and conducting investigations relating to criminal intelligence, vice, bookmaking and gambling. I have been a police officer for the City of Niagara Falls, Ontario, Canada for the past 14 years and served in my present position for the past 2½ years. I have testified on numerous occasions in the prosecution of bookmaking cases. I have participated in over 100 arrests of bookmakers and gamblers.

Ernest Albert Reinhart, Niagara Falls, Ontario, Canada Police Department Number 4122, resides at 1001 Stanley Avenue, Niagara Falls, Ontario, Canada. During the period of 1955 through 1967, this man has been convicted twice of keeping a common betting house; i.e., an establishment used for bookmaking. In 1967, he was sentenced to jail for one year and fined $4,000 for engaging in bookmaking. It is my present opinion and firm belief that this man is presently one of the largest active bookmakers in Ontario.

I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 354-0264 is subscribed to the Demitasse Gift Shop, located on Clifton Hill in Niagara Falls, Ontario, Canada.

I have determined through investigation that Reinhart, who is co-owner of the Demitasse Gift Shop, is utilizing telephone number 354-0264 in the furtherance of his bookmaking operation.

It is also a matter of public record that Ernest Reinhart is a known gambler, who associates with the gambling element in the City of Niagara Falls, Ontario. The public record I refer to is the 1964 copy of the Report of the Ontario Police Commission on Organized Crime, Page 45, wherein it is set forth that Reinhart is engaged in gambling activity.

George Zarafonitis, at the present time, resides at 1100 Center Street, Unit 11, Niagara Falls, Ontario, Canada. During the period of 1940 through 1959, this person's criminal record shows that he has been convicted on several occasions for being found in a gaming house and being a keeper of a gaming house. At the present time, it is my opinion and firm belief that George Zarafonitis is currently and extensively engaged in bookmaking activity within the Province of Ontario, Canada.

I have determined through investigation that George Zarafonitis is utilizing telephone number 356-5303 in the furtherance of his bookmaking operation. I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 356-5303 is subscribed to by George Zarafonitis, 1100 Center Street, Niagara Falls, Ontario.

I have also determined through investigation that George Zarafonitis is also utilizing telephone number 358-9064 in furtherance of his bookmaking activity. In accordance with records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, it was determined that telephone number 358-9064 is subscribed to by Van's Candy Kitchen, Niagara Falls, Ontario. George Zarafonitis is the Manager of Van's Candy Kitchen and is using that telephone for bookmaking purposes.

Walter Chomski resides at 1331 Crestdale Road, Mississauga, Ontario, Canada. This man is now using the name of Charles Watson.

I have had knowledge of Walter Chomski and that he has been extensively engaged in bookmaking activities over the past several years. It is my present opinion and firm belief that he has been actively and extensively engaged in bookmaking activities.

Albert Joseph Pitts resides at 862 Second Avenue, Niagara Falls, Ontario, Canada, and in 1959, this man was arrested for keeping a common betting house and fined $500. He is known by me to associate with gamblers and bookmakers in the City of Niagara Falls, and has made frequent trips out of town in connection with and furtherance of his gambling activity.

It is my present belief and firm opinion that Pitts is currently engaged in gambling activity.

Albert Iannuzzelli is co-owner of the Hilltop Motel, located on Clifton Hill in Niagara Falls, Ontario, Canada. He is a close associate of Ernest Reinhart and for a number of years has been involved in gambling in Niagara Falls, Ontario, Canada.

He has no criminal record, but it is a matter of public record that he is engaged in gambling activity.

I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the participation of Albert and Louis Iannuzzelli in gambling activity. In that report they are listed as Canadian backers of the Ramsey Club, a now defunct gambling club. The report also sets out that the Hilltop Motel was being utilized as a meeting place for the Iannuzzellis and Benjamin Nicoletti, Sr.

Louis Iannuzzelli, brother of Albert Iannuzzelli, is a co-owner of the Hilltop Motel, located at Clifton Hill, Niagara Falls, Ontario, Canada.

Louis Iannuzzelli is a close associate of Ernest Reinhart and for a number of years has been involved in gambling activity at Niagara Falls, Ontario, Canada.

Louis Iannuzzelli has no criminal record; however, his gambling activity is a matter of public record and I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the gambling activities of Louis Iannuzzelli.

It is my present opinion and firm belief that Albert and Louis Iannuzzelli are currently actively engaged in gambling activities.

Mrs. Elaine Marion Barker, 99 Connolly Avenue, Toronto, Ontario, Canada, has Metropolitan Toronto, Ontario Police Department Number 2282/63. The Metropolitan Toronto Police Department advises me that Mrs. Barker has been arrested for theft in 1961 and 1967. They have also advised that she is currently on bail as of November 1, 1968, on a charge of keeping a common betting house.

Bert Nero, 2379 Russell Street, Niagara Falls, Ontario, and who has Niagara Falls, Ontario Police Department Number 1815, is a convicted bookmaker. It is my present opinion and firm belief that this man is currently and actively engaged in gambling.

Ronnie Garth Masotti, 1783 Ferry Street, Niagara Falls, Ontario, is known to me as a professional gambler in the Ontario Canada and Western New York, United States area. He has Niagara Falls, Ontario Police Department Number 1608 and has a criminal record dating from 1958 through 1967. My investigation has revealed that this man's telephone number 356-1466 has been in contact with one Patsy Passero of Niagara Falls, New York. It is my present opinion and firm belief that this man is currently and actively engaged in gambling activities within the Province of Ontario and Western District of New York, United States area.

Police officials of the Hamilton Police Department, advise me that F. M. Golo is actively engaged in bookmaking.

Police officials of the Metropolitan Toronto Police Department advise me that the Executive Club, 491 Lawrence Avenue, West, Toronto, Ontario, Canada, is known as a hangout for gamblers and bookmakers.

I have caused a check of the Canadian Bell Telephone Company, Toronto, Ontario, Canada, to be made and I have determined that telephone number 789-5347 in Toronto, Ontario, Canada, is subscribed to the Executive Club. Police officials of the Metropolitan Toronto Police Department advise me that Jack Beal of Toronto, Ontario Canada is actively involved in gambling and has access to this telephone.

James Moody
James Moody

Sworn to and Subscribed
Before Me This 25 Day
of November, 1968

United States Commissioner

Cr-1968-196

Form No. O. 97 (Rev. 7-1-51)

Commissioner's Temporary Commitment

United States District Court

FOR THE

W. D. N.Y.

Commissioner's Docket No. 68

Case No. 111

UNITED STATES OF AMERICA

v

Geno Monaco

TEMPORARY COMMITMENT
of

To: The United States Marshal of the West District of N.Y.;

You are hereby commanded to take the custody of the above named defendant and to commit him with a certified copy of this commitment to the custodian of a place of confinement within the West District of N.Y. approved by the Attorney General of the United States where the defendant shall be received and safely kept until discharge in due course of law. The above named defendant has been arrested but not yet fully examined by me upon the complaint of Ray Kruger, charging that on or about Sept - Nov, 1968 at in the West District of N.Y. the defendant did engage in gambling & use telephone facilities in foreign commerce

in violation of U.S.C. Title 18, Section 1952, 2 & 371

; and he has been directed to furnish bail in the sum of Twenty Five Thousand dollars ($25,000.00) for his appearance before me at BFW in accordance with all my orders and directions relating thereto, and he has failed to do so.

Dated:

11-26, 1968.

[signature]
United States Commissioner.

RETURN

Received this commitment and designated prisoner on Nov 26, 1968, and on Nov 26, 1968, committed him to ERIE CO JAIL, and left with the custodian at the same time a certified copy of this commitment.

Dated:

November 26, 1968

ALVIN GROSSMAN,
United States Marshal.

WESTERN District of N.Y.

By Thomas Vassett, #23-d
Deputy.

Form A. O. 90 (Rev. 7-26-50)

Commissioner's Warrant of Arrest

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 111

UNITED STATES OF AMERICA

v

GINO FRANK MONACO

WARRANT OF ARREST

To any authorized Agent of the Federal Bureau of Investigation:

You are hereby commanded to arrest GINO FRANK MONACO (here insert name of defendant or description), and bring him forthwith before the nearest available United States Commissioner to answer to a complaint charging him with being engaged in the business of gambling and bookmaking in violation of the laws of the State of New York, and knowingly conspiring to use and using and causing to be used telephone facilities in foreign commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said gambling and bookmaking business, (here describe offense charged in complaint) in violation of U.S.C. Title, 18, Section s 1952, 2, and 371.

Date November 26, 1968.

Edward Marshall
United States Commissioner.

1. Here insert designation of officer to whom warrant is issued.

RETURN

Received November 26, 1968 at Buffalo N.Y., and executed by arrest of Gino Frank Monaco at Niagara Falls, N.Y. on November 26, 1968

Robert Johnson
Name.

Special Agent -
Title.

Date ..... District of .....

....., 19 . By....., Deputy

Form A.O. 91 (Rev.12-1-58)

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 111

UNITED STATES OF AMERICA

v

STEFANO MAGADDINO, PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR., BENJAMIN NICOLETTI, JR., GINO FRANK MONACO, SAM JOSEPH PUGLESE, MICHAEL FARELLA, AUGUSTINE RIZZO, JR. a/k/a Augie Rizzo, PATSY PASSERO, and LOUIS TAVANO.

COMPLAINT for VIOLATION of

U.S.C. Title 18

Sections 1952, 2 and 371

BEFORE Edmund F. Maxwell, 1112 Prudential Building, Buffalo, New York

Name of Commissioner — Address of Commissioner

The undersigned complainant being duly sworn states:
during the months of September, October, and November, 1968, up to and including
That ~~on or about~~ the date of this ~~complaint~~ complaint, at Niagara Falls, New York, Lewiston, New York, North Tonawanda, New York, Tonawanda, New York, and elsewhere in the

State and Western District of New York

(1) STEFANO MAGADDINO, PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR., BENJAMIN NICOLETTI, JR., GINO FRANK MONACO, SAM JOSEPH PUGLESE, MICHAEL FARELLA, AUGUSTINE RIZZO, JR. a/k/a/ Augie Rizzo, PATSY PASSERO, and LOUIS TAVANO did (2) while engaged in the business of gambling and bookmaking in violation of the laws of the State of New York, knowingly conspire to use, use and cause to be used, telephone facilities in foreign commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said gambling and bookmaking business.

And the complainant states that this complaint is based on the attached affidavits of Special Agent Raymond C. Kruger, Special Agent Joseph E. Griffin, Jr., Detective James Moody and John E. Belkota

And the complainant further states that he believes that

are material witnesses in relation to this charge.

Raymond C. Kruger

Raymond C. Kruger, S.A., *Signature of Complainant.*
F.B.I.
Official Title.

Sworn to before me, and subscribed in my presence, Nov 26, 1968.

United States Commissioner.

(1) Insert name of accused.
(2) Insert statement of the essential facts constituting the offense charged.

AFFIDAVIT

I, Raymond C. Kruger, being duly sworn, depose and say:

I have been employed as a Special Agent of the Federal Bureau of Investigation for over 17 years, and have worked for the past five years in the Buffalo Division of the Federal Bureau of Investigation. During this period of time, I have regularly participated in investigating gambling and bookmaking matters. I have participated in investigating in excess of 50 such gambling and bookmaking cases. I have participated in numerous Grand Jury investigations of gambling and bookmaking matters.

Fellow Special Agent, Joseph E. Griffin, Jr., received certain information from an informant regarding the conduct of a bookmaking operation involving STEFANO MAGADDINO, BENJAMIN NICOLETTI, SR., PETER A. MAGADDINO, SAM PUGLESE, AUGIE RIZZO, MIKE FARELLA, LOUIS TAVANO, of the United States, the IANNUZZELLIs, ERNEST REINHART, WALTER CHOMSKI of Canada, and also involving New York telephone numbers, the subscribers of which were determined to be RALPH FAVA, LOUIS CUBELLO and RONALD APPOLONEY.

Based on this informant information received by Special Agent Joseph E. Griffin, Jr., and more fully set out in his affidavit, submitted in application for the warrant herein sought, I began an investigation which consisted of collecting available information and gathering new information relative to the information received from the proven reliable informant. In the course of this investigation, I gathered available information concerning the personal reputations and criminal records of the individuals alleged to be involved. In addition, certain physical observations which had been conducted were reviewed and certain new physical observations were commenced.

Information from the telephone company was gathered as to toll calls emanating from certain telephones. The personal observations were made by the Niagara

Falls, New York Police Department and the Federal Bureau of Investigation. Several officers of the Niagara Falls Police Department and numerous Agents of the Federal Bureau of Investigation were involved in carrying out these physical observations.

The information gathered in the course of this investigation is as follows:

PATSY PASSERO

Address: 2895 Lewiston Road, Niagara Falls, New York

PATSY PASSERO, FBI Number 2210855, identified by the informant as a bookmaker working for the NICOLETTIs, has an arrest record which dates from 1940 to 1967. He has been arrested three times for burglary, once for suspicion of robbery and one time for bookmaking. He has been convicted twice of burglary and once for bookmaking offenses. According to Lieutenant John E. Belkota, he is a long-time associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR., identified by the informant as the supervisors of their operation, and is presently associated with them in a "lay off" capacity.

Over the past six months, numerous telephone calls have emanated from the PASSERO residence during the prime bookmaking time. Many were made to Canada to known bookmaking establishments and persons connected with bookmaking and gambling. In addition to the foreign calls, there were interstate calls made to numbers commonly associated with bookmaking and gambling.

During this same period of time, calls were made from Canada, from numbers known to be connected with bookmaking activity to the telephone at the residence of PATSY PASSERO.

Personal observations during the month of November, 1968, further indicate that PATSY PASSERO is at home during the prime bookmaking hours. PASSERO's car has been spotted on occasions as recently as November, 1968, in the vicinity of the Niagara Sundry, the place

of business of MIKE FARELLA, identified by the informant as a bookmaker for the NICOLETTIs.

On one occasion, during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO, was seen meeting and talking with PATSY PASSERO. TAVANO has also been identified as a bookmaker for the NICOLETTIs.

GINO MONACO

Address: Sleepy Time Motel, 6831 Pine Avenue, Niagara Falls, New York

GINO MONACO, also known as Gino Frank Monaco, FBI Number 322281D, also identified by the informant as a bookmaker for the NICOLETTIs, has a criminal record dating from February 8, 1955 through June 12, 1967, during which time he has been charged with and convicted of gambling violations on three different occasions. Investigation revealed no present legitimate source of income for GINO MONACO. In addition to that, as can be seen more particularly from the affidavit of Lieutenant John E. Belkota, which is also submitted in connection with the warrant herein sought, MONACO is known to the Niagara Falls Police Department as a long-time associate of BENJAMIN NICOLETTI, JR., and BENJAMIN NICOLETTI, SR., in their gambling operation, and is presently believed to be personally engaged in bookmaking for the NICOLETTIs.

Personal observation of MONACO on November 15, 1968, placed him at the address of 1120 Linwood, Niagara Falls, New York, during prime bookmaking time. During the same week, his automobile was seen near the same address.

The same premises were also visited by BENJAMIN NICOLETTI, JR. during that week during prime bookmaking hours.

Personal observations as recently as during the past week indicate that MONACO visits BENJAMIN NICOLETTI, JR. at the latter's home. A physical observation on Monday night, November 18, 1968, also placed MONACO in a meeting with BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR. for at least a four-hour period at the

then closed Red Carpet Lounge. During the month of November, 1968, GINO MONACO was observed meeting with MIKE FARELLA, previously identified as one of NICOLETTI's bookmakers, at a shop known as Mario's. Mario's sells various racing forms on a daily basis.

SAM PUGLESE

Address: 177 61st Street, Niagara Falls, New York

SAM PUGLESE, FBI Number 70402G, identified by the informant as one of NICOLETTI's bookmakers, has been arrested and convicted on gambling charges in 1964 and 1967. Investigation reveals no legitimate source of income for SAM PUGLESE. Again referring to the affidavit of Lieutenant John E. Belkota, it appears therein that SAM PUGLESE is known to the Niagara Falls, New York Police Department as an active bookmaker and associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

During September, October and November, 1968, personal observations have on numerous occasions placed PUGLESE at the house of RALPH FAVA during prime bookmaking time. The telephone subscribed to by Ralph Fava was identified by the informant as used in the NICOLETTI bookmaking operation. On each of these occasions, BENJAMIN NICOLETTI, JR. was also there during said prime bookmaking time. As noted infra, FAVA's telephone has been used to contact other bookmakers.

MIKE FARELLA

Business Address: Niagara Sundry, 1216 Niagara Street, Niagara Falls, New York

MIKE FARELLA, FBI Number 804012, identified by the informant as a bookmaker for the NICOLETTIs, from 1934 to 1967, has been arrested five times and convicted four times for gambling activity. Again referring to Lieutenant John E. Belkota's affidavit, he is known as an associate of BENJAMIN NICOLETTI, JR. and BENJAMIN

NICOLETTI, SR., and is presently believed to be a bookmaker in that operation. Up to and including the present time, personal observations have revealed that the Sundry Shop is not operated under normal conditions. It was noted that its door is locked and admittance can be gained only by attracting the attention of those inside.

As noted supra, personal observation has placed MIKE FARELLA meeting with GINO MONACO, at a shop known as Mario's.

LOUIS TAVANO

Address: 5308 Elm Drive, Lewiston, New York

LOUIS C. TAVANO, identified by informant as one of the bookmakers working for the NICOLETTIs, is known to the Niagara Falls, New York Police Department as an active bookmaker. Lieutenant Belkota identifies him as working in that capacity for BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

Over the past two months numerous foreign, interstate and intrastate telephone calls have emanated from LOUIS TAVANO's residence at 5308 Elm Drive, Lewiston, New York. Telephone numbers known to be utilized by ERNEST REINHART, a notorious bookmaker in Ontario, Canada, are among those called. In addition, these same numbers in Canada are used to place calls to TAVANO in Lewiston, New York during the same period of time. Numerous additional calls were emanating during the same period from the TAVANO residence to a telephone number used by ANGELO BONITO, identified to me by the Buffalo Police Department as a known bookmaker in Buffalo, New York. During the same two-month period, numerous calls emanated from this same Buffalo telephone number to TAVANO. The telephone number used by Bonito was used to make calls to the RALPH FAVA residence in Niagara Falls, New York. RALPH FAVA's home and telephone are identified elsewhere in this affidavit and in the affidavit of Joseph E. Griffin, Jr., as used by BENJAMIN NICOLETTI, JR. in the carrying on of his bookmaking operation.

Personal observations have also placed BENJAMIN NICOLETTI, JR., BENJAMIN NICOLETTI, SR. and GINO MONACO at a meeting at TAVANO's Red Carpet Lounge, Pine Avenue, Niagara Falls, New York, on Monday, November 18, 1968. It was noted that at the time of this observation, the Red Carpet Lounge was not open for business. During the course of this same observation and at the conclusion of the meeting among the above three mentioned individuals, BENJAMIN NICOLETTI, JR. was seen to secure and lock the front door of TAVANO's restaurant and place the key in his pocket.

On one occasion during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO was seen meeting and talking with PATSY PASSERO.

AUGIE RIZZO

Address: 257 Witmer Road, North Tonawanda, New York

AUGUSTINE RIZZO, JR., identified by informant as a bookmaker for the NICOLETTIs, is also known as Augie Rizzo, and is known to Lieutenant Frank Malone, North Tonawanda, New York Police Department to be residing at 257 Witmer Road, North Tonawanda, New York with one Irene Durick. Lieutenant Malone advised on November 25, 1968 based upon informants and independent investigation that RIZZO is presently and has been for the past three months actively engaged in bookmaking. Lieutenant Malone advises that he has also determined that Rizzo is utilizing the telephone subscribed to by Irene Durick, 257 Witmer Road, North Tonawanda, New York, for bookmaking purposes.

Over the past six months, numerous telephone calls have emanated from the Durick residence during prime bookmaking time, to known bookmakers and bookmaking establishments.

RONALD APPOLONEY, RALPH FAVA and LOUIS CUBELLO are the subscribers to the telephones identified by the informant as being used in the NICOLETTI bookmaking operation.

RONALD APPOLONEY

Address: 513 15th Street, Niagara Falls, New York
Telephone: 716 284-8559

Personal observations of RONALD APPOLONEY's residence during October and November, 1968 place BENJAMIN NICOLETTI, JR. at that residence. As will be noted, infra, RONALD APPOLONEY has during the past two months, been seen to visit the residences of RALPH FAVA and BENJAMIN NICOLETTI, JR.

RALPH FAVA

Address: 2241 South Avenue, Niagara Falls, New York
Telephone: 716-284-0879
716-284-0792

Over the past six months, telephone calls have emanated from the residence of RALPH FAVA to telephone numbers in Canada associated with bookmakers and gamblers. Numerous calls over the past six months have gone from FAVA's house to a number known to be used by a bookmaker in Buffalo, New York. These calls were frequently made during prime bookmaking hours. As above-noted, in the discussion of LOUIS TAVANO, numerous telephone calls have come from a different Buffalo, New York bookmaking operation to a telephone at FAVA's residence. It is also noted that on September 13, 1968, a second and additional telephone with a separate and distinct number was installed in FAVA's home.

Extensive personal observation of the FAVA residence since September, 1968, revealed that it was very frequently visited by BENJAMIN NICOLETTI, JR. during the period of prime bookmaking time. Periodically over the past three months, FAVA's residence has also been visited by SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR.

LOUIS CUBELLO

Address: 2262 Woodlawn Avenue, Niagara Falls, New York
Telephone: 716-285-7798

In November, 1968, BENJAMIN NICOLETTI, JR. has been observed to be at LOUIS CUBELLO's residence during prime bookmaking time.

BENJAMIN NICOLETTI, JR.

Address: 2654 North Avenue, Niagara Falls, New York

BENJAMIN NICOLETTI, JR., FBI Number 80339G has been arrested five times from 1964 to 1967, for gambling offenses. He has been convicted on two of these charges, and he has gambling charges pending. Investigation has revealed no legitimate source of income for BENJAMIN NICOLETTI, JR. He is known to the Niagara Falls, New York Police Department as can be seen by the affidavit of Lieutenant John E. Belkota, as an active bookmaker.

Telephone records of BENJAMIN NICOLETTI, JR.'s home telephone indicate that at least on one occasion a call emanated therefrom to a telephone number known to be used and connected with known bookmakers and gamblers in Toronto, Ontario, Canada. As previously noted in the discussion of RALPH FAVA, BENJAMIN NICOLETTI, JR. has been frequently observed to be at FAVA's home during prime bookmaking time. FAVA's telephone, during prime bookmaking time, has been used to transmit and receive calls from and to numbers associated with foreign and New York State bookmaking interests.

As previously described, BENJAMIN NICOLETTI, JR. has been personally observed on recent occasions at the residences of LOUIS CUBELLO and RONALD APPOLONEY. Personal observations previously described have also placed BENJAMIN NICOLETTI, JR. within the past three months as meeting on numerous occasions GINO MONACO, SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR. Personal

observations have established that BENJAMIN NICOLETTI, JR. meets with BENJAMIN NICOLETTI, SR., immediately prior to the time that BENJAMIN NICOLETTI, SR. meets with PETER A. MAGADDINO. These meetings most frequently occur at the home of BENJAMIN NICOLETTI, SR. at 455 Cayuga Street, Lewiston, New York.

BENJAMIN NICOLETTI, SR.

Address: 455 Cayuga Street, Lewiston, New York
1002 Hewitt Drive, Lewiston, New York

BENJAMIN NICOLETTI, SR., FBI Number 285280, has an arrest record dating from 1930. He has been arrested once for burglary, twice for robbery and five times for gambling violations. He was convicted twice for bookmaking and gambling activity. There is currently pending before the Grand Jury of Niagara County, a gambling charge. He is known to Niagara Falls, New York Police Department, as can be seen more particularly in the affidavit of Lieutenant John E. Belkota, as one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He is further identified by Lieutenant John E. Belkota to be running the gambling operation in Niagara Falls, New York for STEFANO MAGADDINO and PETER A. MAGADDINO.

As previously mentioned, BENJAMIN NICOLETTI, SR. was observed meeting BENJAMIN NICOLETTI, JR. and GINO MONACO at LOUIS TAVANO's Red Carpet Lounge. It has also been noted above that BENJAMIN NICOLETTI, SR. has visited RALPH FAVA's residence. Numerous personal observations reveal that on or about Tuesday morning of each week, BENJAMIN NICOLETTI, SR. meets with BENJAMIN NICOLETTI, JR. Thereafter, and at approximately 2:00 p.m. of each Tuesday, BENJAMIN NICOLETTI, SR. rendezvous with PETER A. MAGADDINO. Their meetings have frequently and most recently taken place at the Your Host Restaurant on Niagara Falls Boulevard, Tonawanda, New York. On a number of these occasions, BENJAMIN NICOLETTI, SR. appeared to be passing an object to PETER A. MAGADDINO. During some of

these meetings, a nearby Special Agent of the Federal Bureau of Investigation overheard large dollar figures being discussed. On one occasion, a placemat on which BENJAMIN NICOLETTI, SR. had written, was recovered containing several numerical notations. After these meetings with PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR. was personally observed to return to one or the other of his two homes, i.e. 455 Cayuga Street, Lewiston, New York or 1002 Hewitt Drive, Lewiston, New York.

PETER MAGADDINO

Address: 1103 22nd Street, Niagara Falls, New York

PETER A. MAGADDINO is known to the Niagara Falls, New York Police Department to be working directly for his father and over BENJAMIN NICOLETTI, SR., collecting the proceeds from bookmaking operations and in turn remitting them to his father, STEFANO MAGADDINO, as can be seen by the affidavit of Lieutenant John E. Belkota.

PETER A. MAGADDINO, as previously noted, has been personally observed to meet with BENJAMIN NICOLETTI, SR. on Tuesdays and receive a package from him. Personal observations indicate that immediately thereafter PETER A. MAGADDINO returns to the Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. On at least one occasion, when it was apparent that his father, STEFANO MAGADDINO was not at the Magaddino Memorial Chapel, PETER A. MAGADDINO bypassed the Chapel and then drove to his own home, 1103 22nd Street, Niagara Falls, New York.

STEFANO MAGADDINO

Business Address: Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York

Home Address: 5118 Dana Drive, Lewiston, New York

STEFANO MAGADDINO is also known to the Niagara Falls, New York Police Department to be in control of all

major gambling and bookmaking activity in Niagara Falls, New York, as can be seen by the affidavit of Lieutenant John E. Belkota. His information concerning STEFANO MAGADDINO is in complete accord with the information and belief of the deponent.

ERNEST REINHART, WALTER CHOMSKI, ALBERT IANNUZZELLI, and his brother LOUIS IANNUZZELLI, all of whom were mentioned in the informant information referred to in Special Agent Joseph E. Griffin, Jr.'s affidavit, are known to the Canadian police to be actively engaged in bookmaking and/or gambling activity in Canada. At least one of them has been convicted on gambling charges, as can be seen by the affidavit of Detective James Moody, a Niagara Falls, Ontario Police Officer. His affidavit is also submitted in support of the issuance of this warrant.

On several occasions during the pertinent period of the investigation, PETER A. MAGADDINO was seen to drive a 1966 black Cadillac, with New York State Registration 8E 2952, to and from the weekly meetings with BENJAMIN NICOLETTI, SR.

On every occasion during the pertinent period of the investigation, BENJAMIN NICOLETTI, SR. drove a 1967 brown Cadillac, with New York State Registration 9260 JW to and from the weekly meetings with PETER A. MAGADDINO.

BENJAMIN NICOLETTI, JR. is the registered owner of a 1967 green Buick, with New York State Registration 9543 NF. He has used this automobile to go to his father's for their weekly meeting. His car has also frequently been seen at his other bookmaking establishments.

PATSY PASSERO is the registered owner of the 1965 red Dodge, with New York State Registration LO 2246. During the pertinent period of this investigation, PATSY PASSERO has used his car on a daily basis and in meeting with other NICOLETTI bookmakers.

Based on all the information above and all the information in the affidavits of Joseph E. Griffin, Jr., John E. Belkota and James Moody, I have reason to believe and do believe as follows:

1. There are gambling records and paraphernalia and evidence of gambling violations in the above-described automobiles.

2. There are gambling records, moneys, telephones, other gambling paraphernalia, and evidence of the commission of gambling violations at the following premises:

(a) Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. I have determined that the Assessor of the City of Niagara Falls, New York, carries this premises as the location of the Magaddino Funeral Home, Inc.;

(b) The home of PETER A. MAGADDINO, 1103 22nd Street, Niagara Falls, New York;

(c) The homes of BENJAMIN NICOLETTI, SR., 455 Cayuga Street, Lewiston, New York, and 1002 Hewitt Drive, Lewiston, New York;

(d) The home of BENJAMIN NICOLETTI, JR., 2654 North Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York, has this property listed as owned by MARGUERITE M. NICOLETTI;

(e) The home of PATSY PASSERO, 2895 Lewiston Road, Niagara Falls, New York;

(f) The business address of MICHAEL FARELLA, The Niagara Sundry Shop, 1216 Niagara Street, Niagara Falls, New York. This Premises is listed by the Assessor of the City of Niagara Falls, New York as owned by ANGELO and ANNA GODINO;

(g) The home of AUGIE RIZZO, 257 Witmer Road, North Tonawanda, New York. This premises is listed by the Assessor of the City of North Tonawanda, as being owned by Saj Trucking and Excavating, Inc.;

(h) The home of SAM PUGLESE, 177 61st Street, Niagara Falls, New York. This premises is listed by the Assessor of the City of Niagara Falls, New York, as owned by NICHOLAS PUGLIESE;

(i) The home of RALPH FAVA, 2241 South Avenue, Niagara Falls, New York;

(j) The home of LOUIS CUBELLO, 2262 Woodlawn Avenue, Niagara Falls, New York;

(k) The home of RONALD APPOLONEY, 513 15th Street, Niagara Falls, New York. This premises is listed by the Assessor for the City of Niagara Falls, New York, as owned by FILIPPINA PAONESSA;

(l) The home of LOUIS TAVANO, 5308 Elm Drive, Lewiston, New York; this premises is listed by the Assessor for the Town of Lewiston, New York, as owned by LEWIS TAVANO.

The full descriptions of the premises which I desire to be searched are set forth in the captions of the warrants submitted.

The information contained in those descriptions was gathered from the following sources:

(1) Barbara Lilly of the Assessors Office of the City of Niagara Falls, New York

(2) Dorothy Clark of the Assessors Office of the Town of Lewiston, New York

(3) Charles Guzzetta of the Assessors Office of the City of North Tonawanda, New York

(4) Personal observations of Special Agents of the Federal Bureau of Investigation.

There are gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations at the following premises:

The house utilized by GINO MONACO in carrying on bookmaking activity, i.e. 1120 Linwood Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York has this property listed as owned by ANTHONY DE NOFRIO.

The full description of this premises is set forth in the caption of the warrant submitted. The description was gathered from the following sources:

Barbara Lilly, the Assessors Office of the City of Niagara Falls, New York; and personal observations of Special Agents of the Federal Bureau of Investigation.

Raymond C. Krueger
Special Agent, Federal Bureau of Investigation

Sworn to and subscribed before me this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, Joseph E. Griffin, Jr., having been duly sworn, depose and say:

I have been a Special Agent of the Federal Bureau of Investigation, assigned to the Buffalo Division of that Bureau for over four years, during which time I have been assigned to investigate gambling cases. I would estimate that I have investigated in excess of 100 gambling cases.

In the course of these investigations, I have been called upon to testify in judicial proceedings concerning and Grand Jury investigations of illegal gambling activity. In an attempt to make my investigations more meaningful, I have discussed with more experienced fellow officers, of local as well as Federal jurisdiction, the nature and operation of illegal gambling and bookmaking enterprises. I have also, from time to time, discussed with known convicted bookmakers the nature of their operation.

Based upon my experiences in gambling investigations, I can make the following observations. Conducting the business of bookmaking involves several levels of participation with the participants at each level necessarily maintaining records of their transactions with people above and below their echelon of activity. Bookmakers generally recognize that making use of telephones in interstate commerce in the conduct of their business violates Federal law. They go to great lengths not only to camouflage their bookmaking activities, but also to insulate themselves from any such use of interstate telephone calls. Such use is, at times, nonetheless necessary. Interstate and foreign telephone calls are made generally for one or both of these reasons: to "lay off" bets; to get "line information." "Laying off" bets means to place bets on the same horse or team

in a sporting event on which the bookmaker has accepted bets, so that he in effect is betting both ways. The purpose is to protect against heavy losses. "Line information" is information about the odds or point spread on a particular horse or sporting event on a given day.

I can say also that to guard against prosecution, important bookmakers commonly hire people to perform the hazardous functions of the bookmaking enterprise, such as accepting and laying off wagers. Where this is done, it is essential that there be some system for "settling up" accounts between employer and employee. That is, the proceeds of the operation collected by the employees from losing bettors must be passed on to the employers in the bookmaking operation. In some bookmaking operations, the settling up process is done on a weekly basis.

In virtually all gambling cases and bookmaking cases, as well as others involving different crimes, I have dealt with confidential informants. During the past four years, I have continuously received and used information from one particular confidential informant, whose information has proven to be extremely reliable. Information from this informant has resulted in numerous local and Federal arrests, and numerous convictions.

As long as several months ago, this above mentioned informant had advised me that Benjamin Nicoletti, Sr., of Lewiston, New York, was supervising a bookmaking operation for Stefano Magaddino of Lewiston, New York. During September, October, and November of 1968, this same informant advised me that this same operation was continuing and supplied me with the specific details of how the bookmaking operation was being conducted. The informant advised me that he had learned these details from Benjamin Nicoletti, Sr. and Peter A. Magaddino, during the same period that he was giving me the information; i.e.,

September, October, and November, 1968. The details so supplied to me by the informant are as follows:

Benjamin Nicoletti, Sr., in carrying on the bookmaking operation for Stefano Magaddino, deals directly through his son, Benjamin Nicoletti, Jr. Benjamin Nicoletti, Jr., acting on behalf of his father, Benjamin Nicoletti, Sr., employs Patsy Passero, Gino Monaco, Louis Tavano, Sam Puglese, Augie Rizzo, and Mike Farella as bookmakers. Their primary function is to accept wagers from and settle up with bettors. Benjamin Nicoletti, Jr. exericses some degree of control over these operations, normally by being accessible to them by telephone during bookmaking hours in order to solve any difficulties arising out of the bookmaking operation.

The informant advised that Benjamin Nicoletti, Jr. also engages in actual bookmaking in conjunction with the above described operation. The informant said that Benjamin Nicoletti, Jr. personally runs the sports book which involves the accepting and sometimes laying off of wagers on sporting contests as contrasted to horse races.

The same informant further advises that one of the above-named employees is designated by Benjamin Nicoletti, Jr. to lay off excess action to certain notorious bookmakers in Canada, and to accept lay-off action from them. The Canadians named by the informant are the Iannuzzellis, Ernest Reinhart, and Walter Chomski; all of whom live in the Province on Ontario.

The informant advised that during October, 1968, Benjamin Nicoletti, Jr. operated his bookmaking enterprises at Niagara Falls, New York telephone number 284-0879 (subsequently determined to be listed to Ralph Fava, 2241 South Avenue, Niagara Falls, New York), and at Niagara Falls, New York telephone number 284-8559 (subsequently determined to be listed to Ronald Appoloney, 513 15th Street, Niagara Falls, New York). Sometime during November, 1968, Benjamin Nicoletti, Jr. began to also use in connection with his bookmaking enterprise Niagara Falls, New York telephone number 285-7798

(subsequently determined to be listed to Louis Cubello, 2262 Woodlawn Avenue, Niagara Falls, New York). The informant further advised that Augie Rizzo is currently accepting wagers for Benjamin Nicoletti, Jr. in North Tonawanda, New York, and is using telephone number 694-3312 to accept betting action. (This telephone number was subsequently determined to be listed to Irene Durick, 257 Witmer Road, North Tonawanda, New York.)

The above-mentioned informant advised as follows regarding settling up in the operation. The employees named above settle up with the bettors and then with Benjamin Nicoletti, Jr. sometime prior to Tuesday of each week.

Once a week, normally on Tuesday, Benjamin Nicoletti, Jr. meets with his father to balance their books, with the son passing on to the father the percentage of the profits due the father and the percentage of profits due Stefano Magaddino. Also on Tuesday, Benjamin Nicoletti, Sr. similarly settles up with Stefano Magaddino. For purposes of this task, Benjamin Nicoletti, Sr. meets with Peter A. Magaddino, Stefano Magaddino's son, and passes on the share due Stefano Magaddino. Peter A. Magaddino then promptly delivers the proceeds to his father, Stefano Magaddino.

The same informant advised me that over the past several years, Stefano Magaddino has used the Magaddino Memorial Chapel in the informant's presence as a meeting place for the transaction of business related to illegal bookmaking, gambling, and loan-sharking activities. The business so conducted consisted of reporting on problems as they arose, and settling up of accounts. He further advised that Stefano Magaddino controls all major bookmaking and gambling activity in Niagara Falls, New York. Additionally, he advised that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Since I have been assigned to the Buffalo Office of the Federal Bureau of Investigation, I have received information from more than five confidential

informants, all of whom have given other information which proved reliable, that Stefano Magaddino controls all large scale bookmaking and gambling activity in Niagara Falls, New York. On November 22, 1968, I spoke to two informants, both of whom have given reliable information in the past, and neither of whom is the one I have referred to above. Each informant on that occasion advised me that Stefano Magaddino still controls all large scale bookmaking, gambling, and loan shark activity in Niagara Falls, New York. One of the two also confirmed that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Joseph E. Griffin, Jr.

Sworn to and subscribed before me
this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, John E. Belkota, being duly sworn, depose and say:

I am a Lieutenant in the Niagara Falls Police Department on which force I have worked for 17 years. For the past 9 years, I have participated in more than 100 investigations of bookmaking and related crimes and have participated in the arrests of more than 200 individuals on such charges. Virtually all led to convictions or pleas of guilty. During that time, I have had extensive contact with confidential informants.

For the past several years, I have received information from several informants, all of whom have given reliable information in the past leading to arrests and convictions on bookmaking charges, that Benjamin Nicoletti, Sr. runs a large bookmaking operation. Overseeing the daily activities of the operation is his son, Benjamin Nicoletti, Jr.

During September, October and November of 1968, I have received information from several of these reliable informants that Gino Monaco, Sam Puglese and Mike Farella are working as bookmakers for the Nicoletti's. Their operations consist primarily of accepting wagers by telephone, collecting from losing bettors and paying off winners. During November, 1968, one of these reliable informants advised me that Louis Tavano also is working as a bookmaker for the Nicoletti's.

The same reliable informants have also advised me during the period September, October and November of 1968, that Patsy Passero deals with Benjamin Nicoletti, Jr. in a lay off operation.

The information from the above mentioned informants has been corroborated by investigation conducted by members of my Confidential Squad. For instance, I was advised that the residences of Ralph Fava, Ronald Appoloney and an apartment above a branch post office in Niagara Falls, New York, were being used at various times as telephone rooms. Subsequent physical surveillance by detectives in my unit placed the bookmakers at these premises during prime bookmaking hours.

Prime bookmaking hours consist of those times when wagering is most heavily conducted. For horse races, this is usually 1:00 P.M. to 5:00 P.M., Monday through Saturday. For other sporting contests commonly played on weekends, the prime time is generally 1:00 P.M. to 4:00 P.M., on Saturday and Sunday.

Based upon my trust in the reliability of the above mentioned informant information, investigation which that informant stimulated, and my experience investigating gambling and bookmaking cases in Niagara Falls, New York for the past 9 years, I can state the following:

I know Gino Monaco to have an extensive bookmaking record and to be a long time associate of Benjamin Nicoletti, Jr. and Benjamin Nicoletti, Sr. in their gambling operation. It is my present opinion and firm belief that he is presently engaged in bookmaking and is working for the Nicoletti's in that operation.

I know Sam Puglese also to have a criminal record for gambling type cases and to be an associate of the Nicoletti's. He is now engaged as a bookmaker in the Nicoletti operation.

Mike Farella is also known to me to have a criminal record for gambling type cases. He also is an associate of the Nicoletti's. It is my present opinion and firm belief that he too is a bookmaker in the Nicoletti operation.

I know Patsy Passero to have a criminal record for bookmaking and other crimes. He, too, is a long time associate of the Nicoletti's. He is presently working with them in a lay off capacity.

Benjamin Nicoletti, Jr. has an extensive criminal record for gambling violations. He is engaged in bookmaking activities with the bookmakers named above and his father.

I know Benjamin Nicoletti, Sr. to have a criminal record for gambling and bookmaking violations. At the present time he is one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He runs the operation directly for Stefano Magaddino and Peter A. Magaddino.

This information regarding bookmaking operations by Benjamin Nicoletti, Sr. and Benjamin Nicoletti, Jr. over the past several years and specifically in the past three months, has included information that Benjamin Nicoletti, Sr. works for Peter A. Magaddino and that profits of the operation go in part to Peter A. Magaddino and Stefano Magaddino. The distribution of revenue is as follows: Benjamin Nicoletti, Jr. collects from the employee bookmakers. He passes money up to Benjamin Nicoletti, Sr. Benjamin Nicoletti, Sr. meets with Peter A. Magaddino and passes money to him. Peter A. Magaddino passes the money on to Stefano Magaddino, for whom he works.

The same reliable confidential informants have advised me over the past several years that Stefano Magaddino controls all major gambling and bookmaking activity in Niagara Falls, New York. This information has been confirmed as recently as the past month by an informant whose information has always proven reliable.

Sworn to and Subscribed
Before Me This 26 Day of
November, 1968

United States Commissioner

John E. Belkota
JOHN E. BELKOTA

AFFIDAVIT

I, James Moody, being duly sworn, depose and say:

I am presently employed by the City of Niagara Falls Police Department, Niagara Falls, Ontario, Canada, in the position of Detective in Charge of the Special Branch.

My primary duties consist of supervising and conducting investigations relating to criminal intelligence, vice, bookmaking and gambling. I have been a police officer for the City of Niagara Falls, Ontario, Canada for the past 14 years and served in my present position for the past 2½ years. I have testified on numerous occasions in the prosecution of bookmaking cases. I have participated in over 100 arrests of bookmakers and gamblers.

Ernest Albert Reinhart, Niagara Falls, Ontario, Canada Police Department Number 4122, resides at 1001 Stanley Avenue, Niagara Falls, Ontario, Canada. During the period of 1955 through 1967, this man has been convicted twice of keeping a common betting house; i.e., an establishment used for bookmaking. In 1967, he was sentenced to jail for one year and fined $4,000 for engaging in bookmaking. It is my present opinion and firm belief that this man is presently one of the largest active bookmakers in Ontario.

I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 354-0264 is subscribed to the Demitasse Gift Shop, located on Clifton Hill in Niagara Falls, Ontario, Canada.

I have determined through investigation that Reinhart, who is co-owner of the Demitasse Gift Shop, is utilizing telephone number 354-0264 in the furtherance of his bookmaking operation.

It is also a matter of public record that Ernest Reinhart is a known gambler, who associates with the gambling element in the City of Niagara Falls, Ontario. The public record I, refer to is the 1964 copy of the Report of the Ontario Police Commission on Organized Crime, Page 45, wherein it is set forth that Reinhart is engaged in gambling activity.

George Zarafonitis, at the present time, resides at 1100 Center Street, Unit 11, Niagara Falls, Ontario, Canada. During the period of 1940 through 1959, this person's criminal record shows that he has been convicted on several occasions for being found in a gaming house and being a keeper of a gaming house. At the present time, it is my opinion and firm belief that George Zarafonitis is currently and extensively engaged in bookmaking activity within the Province of Ontario, Canada.

I have determined through investigation that George Zarafonitis is utilizing telephone number 356-5303 in the furtherance of his bookmaking operation. I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 356-5303 is subscribed to by George Zarafonitis, 1100 Center Street, Niagara Falls, Ontario.

I have also determined through investigation that George Zarafonitis is also utilizing telephone number 358-9064 in furtherance of his bookmaking activity. In accordance with records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, it was determined that telephone number 358-9064 is subscribed to by Van's Candy Kitchen, Niagara Falls, Ontario. George Zarafonitis is the Manager of Van's Candy Kitchen and is using that telephone for bookmaking purposes.

Walter Chomski resides at 1331 Crestdale Road, Mississauga, Ontario, Canada. This man is now using the name of Charles Watson.

I have had knowledge of Walter Chomski and that he has been extensively engaged in bookmaking activities over the past several years. It is my present opinion and firm belief that he has been actively and extensively engaged in bookmaking activities.

Albert Joseph Pitts resides at 862 Second Avenue, Niagara Falls, Ontario, Canada, and in 1959, this man was arrested for keeping a common betting house and fined $500. He is known by me to associate with gamblers and bookmakers in the City of Niagara Falls, and has made frequent trips out of town in connection with and furtherance of his gambling activity.

It is my present belief and firm opinion that Pitts is currently engaged in gambling activity.

Albert Iannuzzelli is co-owner of the Hilltop Motel, located on Clifton Hill in Niagara Falls, Ontario, Canada. He is a close associate of Ernest Reinhart and for a number of years has been involved in gambling in Niagara Falls, Ontario, Canada.

He has no criminal record, but it is a matter of public record that he is engaged in gambling activity.

I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the participation of Albert and Louis Iannuzzelli in gambling activity. In that report they are listed as Canadian backers of the Ramsey Club, a now defunct gambling club. The report also sets out that the Hilltop Motel was being utilized as a meeting place for the Iannuzzellis and Benjamin Nicoletti, Sr.

Louis Iannuzzelli, brother of Albert Iannuzzelli, is a co-owner of the Hilltop Motel, located at Clifton Hill, Niagara Falls, Ontario, Canada.

Louis Iannuzzelli is a close associate of Ernest Reinhart and for a number of years has been involved in gambling activity at Niagara Falls, Ontario, Canada.

Louis Iannuzzelli has no criminal record; however, his gambling activity is a matter of public record and I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the gambling activities of Louis Iannuzzelli.

It is my present opinion and firm belief that Albert and Louis Iannuzzelli are currently actively engaged in gambling activities.

Mrs. Elaine Marion Barker, 99 Connolly Avenue, Toronto, Ontario, Canada, has Metropolitan Toronto, Ontario Police Department Number 2282/63. The Metropolitan Toronto Police Department advises me that Mrs. Barker has been arrested for theft in 1961 and 1967. They have also advised that she is currently on bail as of November 1, 1968, on a charge of keeping a common betting house.

Bert Nero, 2379 Russell Street, Niagara Falls, Ontario, and who has Niagara Falls, Ontario Police Department Number 1815, is a convicted bookmaker. It is my present opinion and firm belief that this man is currently and actively engaged in gambling.

Ronnie Garth Masotti, 1783 Ferry Street, Niagara Falls, Ontario, is known to me as a professional gambler in the Ontario Canada and Western New York, United States area. He has Niagara Falls, Ontario Police Department Number 1608 and has a criminal record dating from 1958 through 1967. My investigation has revealed that this man's telephone number 356-1466 has been in contact with one Patsy Passero of Niagara Falls, New York. It is my present opinion and firm belief that this man is currently and actively engaged in gambling activities within the Province of Ontario and Western District of New York, United States area.

Police officials of the Hamilton Police Department, advise me that F. M. Golo is actively engaged in bookmaking.

Police officials of the Metropolitan Toronto Police Department advise me that the Executive Club, 491 Lawrence Avenue, West, Toronto, Ontario, Canada, is known as a hangout for gamblers and bookmakers.

I have caused a check of the Canadian Bell Telephone Company, Toronto, Ontario, Canada, to be made and I have determined that telephone number 789-5347 in Toronto, Ontario, Canada, is subscribed to the Executive Club. Police officials of the Metropolitan Toronto Police Department advise me that Jack Beal of Toronto, Ontario Canada is actively involved in gambling and has access to this telephone.

James Moody

James Moody

Sworn to and Subscribed
Before Me This 25 Day
of November, 1968

United States Commissioner

cr 1968-196

Form A. O. 97 (Rev. 7-1-51)

Commissioner's Temporary Commitment

United States District Court

FOR THE

W. D. N.Y.

Commissioner's Docket No. 68

Case No. 111

UNITED STATES OF AMERICA

v

Michael Farella

TEMPORARY COMMITMENT
of

To: The United States Marshal of the West District of N.Y. ;

You are hereby commanded to take the custody of the above named defendant and to commit him with a certified copy of this commitment to the custodian of a place of confinement within the West District of N.Y. approved by the Attorney General of the United States where the defendant shall be received and safely kept until discharge in due course of law. The above named defendant has been arrested but not yet fully examined by me upon the complaint of Ray Krueger , charging that on or about Sept Nov , 19 68 at in the West District of New York the defendant did engage in gambling. + use telephone facilities in foreign commerce

in violation of U.S.C. Title 18 , Section 1952, 2 + 371.

; and he has been directed to furnish bail in the sum of Forty Seven Thousand dollars ($ 25,000) for his appearance before me at BFL in accordance with all my orders and directions relating thereto, and he has failed to do so.

Dated:

11-21, 1968.

Edward Thomas
United States Commissioner.

RETURN

Received this commitment and designated prisoner on November 26th, 19 68, and on November 26th, 19 68, committed him to Erie Co. Jail, and left with the custodian at the same time a certified copy of this commitment.

Dated:

November 26th, 19 68.

#23-F

ALVIN GROSSMAN
United States Marshal.

WESTERN District of NEW YORK

By Thomas Tassett
Deputy.

Form A. O. 90 (Rev. 7-26-50)

Commissioner's
Warrant of Arrest

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 111

UNITED STATES OF AMERICA

v

MICHAEL FARELLA

WARRANT OF ARREST

To any authorized Agent of the Federal Bureau of Investigation:

You are hereby commanded to arrest MICHAEL FARELLA (here insert name of defendant or description), and bring him forthwith before the nearest available United States Commissioner to answer to a complaint charging him with being engaged in the business of gambling and bookmaking in violation of the laws of the State of New York, and knowingly conspiring to use and using and causing to be used telephone facilities in foreign commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said gambling and bookmaking business.
(here describe offense charged in complaint)
in violation of U.S.C. Title, 18, Sections 1952, 2, and 371.

Date November 26, 1968.

[signature]
United States Commissioner.

1. Here insert designation of officer to whom warrant is issued.

RETURN

Received Nov. 26, 1968 at Buffalo, NY, and executed by arrest of Michael A. Farella at Niagara Falls, NY on Nov. 26, 1968.

Francis B. Jenkins
Name.

Special Agent, FBI
Title.

Western District of New York

Date , 19 .

By , Deputy

Form A. O. 90 (Rev. 7-26-50)

Commissioner's
Warrant of Arrest

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 14

UNITED STATES OF AMERICA

v

MICHAEL FARELLA

WARRANT OF ARREST

To any authorized Agent of the Federal Bureau of Investigation:

You are hereby commanded to arrest MICHAEL FARELLA (here insert name of defendant or description), and bring him forthwith before the nearest available United States Commissioner to answer to a complaint charging him with being engaged in the business of gambling and bookmaking in violation of the laws of the State of New York, and knowingly conspiring to use and using and causing to be used telephone facilities in foreign commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said gambling and bookmaking business. (here describe offense charged in complaint)
in violation of U.S.C. Title, 18, Sections 1952, 2, and 371.

Date November 26, 1968.

[signature]
United States Commissioner.

1. Here insert designation of officer to whom warrant is issued.

RETURN

Received Nov. 26, 1968 at Buffalo, NY, and executed by arrest of Michael A. Farella at Niagara Falls, NY on Nov. 26, 1968.

Francis B. Jenkins
Name.

Special Agent, FBI
Title.

Western District of New York

Date , 19 .

By ....., Deputy

AFFIDAVIT

I, James Moody, being duly sworn, depose and say:

I am presently employed by the City of Niagara Falls Police Department, Niagara Falls, Ontario, Canada, in the position of Detective in Charge of the Special Branch.

My primary duties consist of supervising and conducting investigations relating to criminal intelligence, vice, bookmaking and gambling. I have been a police officer for the City of Niagara Falls, Ontario, Canada for the past 14 years and served in my present position for the past 2½ years. I have testified on numerous occasions in the prosecution of bookmaking cases. I have participated in over 100 arrests of bookmakers and gamblers.

Ernest Albert Reinhart, Niagara Falls, Ontario, Canada Police Department Number 4122, resides at 1001 Stanley Avenue, Niagara Falls, Ontario, Canada. During the period of 1955 through 1967, this man has been convicted twice of keeping a common betting house; i.e., an establishment used for bookmaking. In 1967, he was sentenced to jail for one year and fined $4,000 for engaging in bookmaking. It is my present opinion and firm belief that this man is presently one of the largest active bookmakers in Ontario.

I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 354-0264 is subscribed to the Demitasse Gift Shop, located on Clifton Hill in Niagara Falls, Ontario, Canada.

I have determined through investigation that Reinhart, who is co-owner of the Demitasse Gift Shop, is utilizing telephone number 354-0264 in the furtherance of his bookmaking operation.

It is also a matter of public record that Ernest Reinhart is a known gambler, who associates with the gambling element in the City of Niagara Falls, Ontario. The public record I refer to is the 1964 copy of the Report of the Ontario Police Commission on Organized Crime, Page 45, wherein it is set forth that Reinhart is engaged in gambling activity.

George Zarafonitis, at the present time, resides at 1100 Center Street, Unit 11, Niagara Falls, Ontario, Canada. During the period of 1940 through 1959, this person's criminal record shows that he has been convicted on several occasions for being found in a gaming house and being a keeper of a gaming house. At the present time, it is my opinion and firm belief that George Zarafonitis is currently and extensively engaged in bookmaking activity within the Province of Ontario, Canada.

I have determined through investigation that George Zarafonitis is utilizing telephone number 356-5303 in the furtherance of his bookmaking operation. I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 356-5303 is subscribed to by George Zarafonitis, 1100 Center Street, Niagara Falls, Ontario.

I have also determined through investigation that George Zarafonitis is also utilizing telephone number 358-9064 in furtherance of his bookmaking activity. In accordance with records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, it was determined that telephone number 358-9064 is subscribed to by Van's Candy Kitchen, Niagara Falls, Ontario. George Zarafonitis is the Manager of Van's Candy Kitchen and is using that telephone for bookmaking purposes.

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I have had knowledge of Walter Chomski and that he has been extensively engaged in bookmaking activities over the past several years. It is my present opinion and firm belief that he has been actively and extensively engaged in bookmaking activities.

Albert Joseph Pitts resides at 862 Second Avenue, Niagara Falls, Ontario, Canada, and in 1959, this man was arrested for keeping a common betting house and fined $500. He is known by me to associate with gamblers and bookmakers in the City of Niagara Falls, and has made frequent trips out of town in connection with and furtherance of his gambling activity.

It is my present belief and firm opinion that Pitts is currently engaged in gambling activity.

Albert Iannuzzelli is co-owner of the Hilltop Motel, located on Clifton Hill in Niagara Falls, Ontario, Canada. He is a close associate of Ernest Reinhart and for a number of years has been involved in gambling in Niagara Falls, Ontario, Canada.

He has no criminal record, but it is a matter of public record that he is engaged in gambling activity.

I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the participation of Albert and Louis Iannuzzelli in gambling activity. In that report they are listed as Canadian backers of the Ramsey Club, a now defunct gambling club. The report also sets out that the Hilltop Motel was being utilized as a meeting place for the Iannuzzellis and Benjamin Nicoletti, Sr.

Louis Iannuzzelli, brother of Albert Iannuzzelli, is a co-owner of the Hilltop Motel, located at Clifton Hill, Niagara Falls, Ontario, Canada.

Louis Iannuzzelli is a close associate of Ernest Reinhart and for a number of years has been involved in gambling activity at Niagara Falls, Ontario, Canada.

Louis Iannuzzelli has no criminal record; however, his gambling activity is a matter of public record and I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the gambling activities of Louis Iannuzzelli.

It is my present opinion and firm belief that Albert and Louis Iannuzzelli are currently actively engaged in gambling activities.

Mrs. Elaine Marion Barker, 99 Connolly Avenue, Toronto, Ontario, Canada, has Metropolitan Toronto, Ontario Police Department Number 2282/63. The Metropolitan Toronto Police Department advises me that Mrs. Barker has been arrested for theft in 1961 and 1967. They have also advised that she is currently on bail as of November 1, 1968, on a charge of keeping a common betting house.

Bert Nero, 2379 Russell Street, Niagara Falls, Ontario, and who has Niagara Falls, Ontario Police Department Number 1815, is a convicted bookmaker. It is my present opinion and firm belief that this man is currently and actively engaged in gambling.

Ronnie Garth Masotti, 1783 Ferry Street, Niagara Falls, Ontario, is known to me as a professional gambler in the Ontario Canada and Western New York, United States area. He has Niagara Falls, Ontario Police Department Number 1608 and has a criminal record dating from 1958 through 1967. My investigation has revealed that this man's telephone number 356-1466 has been in contact with one Patsy Passero of Niagara Falls, New York. It is my present opinion and firm belief that this man is currently and actively engaged in gambling activities within the Province of Ontario and Western District of New York, United States area.

Police officials of the Hamilton Police Department, advise me that F. M. Golo is actively engaged in bookmaking.

Police officials of the Metropolitan Toronto Police Department advise me that the Executive Club, 491 Lawrence Avenue, West, Toronto, Ontario, Canada, is known as a hangout for gamblers and bookmakers.

I have caused a check of the Canadian Bell Telephone Company, Toronto, Ontario, Canada, to be made and I have determined that telephone number 789-5347 in Toronto, Ontario, Canada, is subscribed to the Executive Club. Police officials of the Metropolitan Toronto Police Department advise me that Jack Beal of Toronto, Ontario Canada is actively involved in gambling and has access to this telephone.

James Moody

Sworn to and Subscribed
Before Me This 25 Day
of November, 1968

United States Commissioner

Form A.O. 91 (Rev.12-1-58)

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 111

UNITED STATES OF AMERICA

v

STEFANO MAGADDINO, PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR., BENJAMIN NICOLETTI, JR., GINO FRANK MONACO, SAM JOSEPH PUGLESE, MICHAEL FARELLA, AUGUSTINE RIZZO, JR. a/k/a Augie Rizzo, PATSY PASSERO, and LOUIS TAVANO.

COMPLAINT for VIOLATION of

U.S.C. Title 18

Sections 1952, 2 and 371

BEFORE Edmund F. Maxwell, 1112 Prudential Building, Buffalo, New York

Name of Commissioner — Address of Commissioner

The undersigned complainant being duly sworn states:

That during the months of September, October, and November, 1968, up to and including ~~on or about~~ the date of this ~~complaint~~ complaint, at Niagara Falls, New York, Lewiston, New York, North Tonawanda, New York, Tonawanda, New York, and elsewhere in the

State and Western District of New York

(1) STEFANO MAGADDINO, PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR., BENJAMIN NICOLETTI, JR., GINO FRANK MONACO, SAM JOSEPH PUGLESE, MICHAEL FARELLA, AUGUSTINE RIZZO, JR. a/k/a/ Augie Rizzo, PATSY PASSERO, and LOUIS TAVANO

did(2) while engaged in the business of gambling and bookmaking in violation of the laws of the State of New York, knowingly conspire to use, use and cause to be used, telephone facilities in foreign commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said gambling and bookmaking business.

And the complainant states that this complaint is based on the attached affidavits of Special Agent Raymond C. Kruger, Special Agent Joseph E. Griffin, Jr., Detective James Moody and John E. Belkota

And the complainant further states that he believes that

are material witnesses in relation to this charge.

Raymond C. Kruger

Raymond C. Kruger, S.A., *Signature of Complainant.*

F.B.I.

Official Title.

Sworn to before me, and subscribed in my presence, Nov 26, 1968

United States Commissioner.

(1) Insert name of accused.
(2) Insert statement of the essential facts constituting the offense charged.

AFFIDAVIT

I, Raymond C. Kruger, being duly sworn, depose and say:

I have been employed as a Special Agent of the Federal Bureau of Investigation for over 17 years, and have worked for the past five years in the Buffalo Division of the Federal Bureau of Investigation. During this period of time, I have regularly participated in investigating gambling and bookmaking matters. I have participated in investigating in excess of 50 such gambling and bookmaking cases. I have participated in numerous Grand Jury investigations of gambling and bookmaking matters.

Fellow Special Agent, Joseph E. Griffin, Jr., received certain information from an informant regarding the conduct of a bookmaking operation involving STEFANO MAGADDINO, BENJAMIN NICOLETTI, SR., PETER A. MAGADDINO, SAM PUGLESE, AUGIE RIZZO, MIKE FARELLA, LOUIS TAVANO, of the United States, the IANNUZZELLIs, ERNEST REINHART, WALTER CHOMSKI of Canada, and also involving New York telephone numbers, the subscribers of which were determined to be RALPH FAVA, LOUIS CUBELLO and RONALD APPOLONEY.

Based on this informant information received by Special Agent Joseph E. Griffin, Jr., and more fully set out in his affidavit, submitted in application for the warrant herein sought, I began an investigation which consisted of collecting available information and gathering new information relative to the information received from the proven reliable informant. In the course of this investigation, I gathered available information concerning the personal reputations and criminal records of the individuals alleged to be involved. In addition, certain physical observations which had been conducted were reviewed and certain new physical observations were commenced.

Information from the telephone company was gathered as to toll calls emanating from certain telephones. The personal observations were made by the Niagara

Falls, New York Police Department and the Federal Bureau of Investigation. Several officers of the Niagara Falls Police Department and numerous Agents of the Federal Bureau of Investigation were involved in carrying out these physical observations.

The information gathered in the course of this investigation is as follows:

PATSY PASSERO

Address: 2895 Lewiston Road, Niagara Falls, New York

PATSY PASSERO, FBI Number 2210855, identified by the informant as a bookmaker working for the NICOLETTIs, has an arrest record which dates from 1940 to 1967. He has been arrested three times for burglary, once for suspicion of robbery and one time for bookmaking. He has been convicted twice of burglary and once for bookmaking offenses. According to Lieutenant John E. Belkota, he is a long-time associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR., identified by the informant as the supervisors of their operation, and is presently associated with them in a "lay off" capacity.

Over the past six months, numerous telephone calls have emanated from the PASSERO residence during the prime bookmaking time. Many were made to Canada to known bookmaking establishments and persons connected with bookmaking and gambling. In addition to the foreign calls, there were interstate calls made to numbers commonly associated with bookmaking and gambling.

During this same period of time, calls were made from Canada, from numbers known to be connected with bookmaking activity to the telephone at the residence of PATSY PASSERO.

Personal observations during the month of November, 1968, further indicate that PATSY PASSERO is at home during the prime bookmaking hours. PASSERO's car has been spotted on occasions as recently as November, 1968, in the vicinity of the Niagara Sundry, the place

of business of MIKE FARELLA, identified by the informant as a bookmaker for the NICOLETTIs.

On one occasion, during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO, was seen meeting and talking with PATSY PASSERO. TAVANO has also been identified as a bookmaker for the NICOLETTIs.

GINO MONACO

Address: Sleepy Time Motel, 6831 Pine Avenue, Niagara Falls, New York

GINO MONACO, also known as Gino Frank Monaco, FBI Number 322281D, also identified by the informant as a bookmaker for the NICOLETTIs, has a criminal record dating from February 8, 1955 through June 12, 1967, during which time he has been charged with and convicted of gambling violations on three different occasions. Investigation revealed no present legitimate source of income for GINO MONACO. In addition to that, as can be seen more particularly from the affidavit of Lieutenant John E. Belkota, which is also submitted in connection with the warrant herein sought, MONACO is known to the Niagara Falls Police Department as a long-time associate of BENJAMIN NICOLETTI, JR., and BENJAMIN NICOLETTI, SR., in their gambling operation, and is presently believed to be personally engaged in bookmaking for the NICOLETTIs.

Personal observation of MONACO on November 15, 1968, placed him at the address of 1120 Linwood, Niagara Falls, New York, during prime bookmaking time. During the same week, his automobile was seen near the same address.

The same premises were also visited by BENJAMIN NICOLETTI, JR. during that week during prime bookmaking hours.

Personal observations as recently as during the past week indicate that MONACO visits BENJAMIN NICOLETTI, JR. at the latter's home. A physical observation on Monday night, November 18, 1968, also placed MONACO in a meeting with BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR. for at least a four-hour period at the

then closed Red Carpet Lounge. During the month of November, 1968, GINO MONACO was observed meeting with MIKE FARELLA, previously identified as one of NICOLETTI's bookmakers, at a shop known as Mario's. Mario's sells various racing forms on a daily basis.

SAM PUGLESE

Address: 177 61st Street, Niagara Falls, New York

SAM PUGLESE, FBI Number 70402G, identified by the informant as one of NICOLETTI's bookmakers, has been arrested and convicted on gambling charges in 1964 and 1967. Investigation reveals no legitimate source of income for SAM PUGLESE. Again referring to the affidavit of Lieutenant John E. Belkota, it appears therein that SAM PUGLESE is known to the Niagara Falls, New York Police Department as an active bookmaker and associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

During September, October and November, 1968, personal observations have on numerous occasions placed PUGLESE at the house of RALPH FAVA during prime bookmaking time. The telephone subscribed to by Ralph Fava was identified by the informant as used in the NICOLETTI bookmaking operation. On each of these occasions, BENJAMIN NICOLETTI, JR. was also there during said prime bookmaking time. As noted infra, FAVA's telephone has been used to contact other bookmakers.

MIKE FARELLA

Business Address: Niagara Sundry, 1216 Niagara Street, Niagara Falls, New York

MIKE FARELLA, FBI Number 804012, identified by the informant as a bookmaker for the NICOLETTIs, from 1934 to 1967, has been arrested five times and convicted four times for gambling activity. Again referring to Lieutenant John E. Belkota's affidavit, he is known as an associate of BENJAMIN NICOLETTI, JR. and BENJAMIN

NICOLETTI, SR., and is presently believed to be a bookmaker in that operation. Up to and including the present time, personal observations have revealed that the Sundry Shop is not operated under normal conditions. It was noted that its door is locked and admittance can be gained only by attracting the attention of those inside.

As noted supra, personal observation has placed MIKE FARELLA meeting with GINO MONACO, at a shop known as Mario's.

LOUIS TAVANO

Address: 5308 Elm Drive, Lewiston, New York

LOUIS C. TAVANO, identified by informant as one of the bookmakers working for the NICOLETTIs, is known to the Niagara Falls, New York Police Department as an active bookmaker. Lieutenant Belkota identifies him as working in that capacity for BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

Over the past two months numerous foreign, interstate and intrastate telephone calls have emanated from LOUIS TAVANO's residence at 5308 Elm Drive, Lewiston, New York. Telephone numbers known to be utilized by ERNEST REINHART, a notorious bookmaker in Ontario, Canada, are among those called. In addition, these same numbers in Canada are used to place calls to TAVANO in Lewiston, New York during the same period of time. Numerous additional calls were emanating during the same period from the TAVANO residence to a telephone number used by ANGELO BONITO, identified to me by the Buffalo Police Department as a known bookmaker in Buffalo, New York. During the same two-month period, numerous calls emanated from this same Buffalo telephone number to TAVANO. The telephone number used by Bonito was used to make calls to the RALPH FAVA residence in Niagara Falls, New York. RALPH FAVA's home and telephone are identified elsewhere in this affidavit and in the affidavit of Joseph E. Griffin, Jr., as used by BENJAMIN NICOLETTI, JR. in the carrying on of his bookmaking operation.

Personal observations have also placed BENJAMIN NICOLETTI, JR., BENJAMIN NICOLETTI, SR. and GINO MONACO at a meeting at TAVANO's Red Carpet Lounge, Pine Avenue, Niagara Falls, New York, on Monday, November 18, 1968. It was noted that at the time of this observation, the Red Carpet Lounge was not open for business. During the course of this same observation and at the conclusion of the meeting among the above three mentioned individuals, BENJAMIN NICOLETTI, JR. was seen to secure and lock the front door of TAVANO's restaurant and place the key in his pocket.

On one occasion during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO was seen meeting and talking with PATSY PASSERO.

AUGIE RIZZO

Address: 257 Witmer Road, North Tonawanda, New York

AUGUSTINE RIZZO, JR., identified by informant as a bookmaker for the NICOLETTIs, is also known as Augie Rizzo, and is known to Lieutenant Frank Malone, North Tonawanda, New York Police Department to be residing at 257 Witmer Road, North Tonawanda, New York with one Irene Durick. Lieutenant Malone advised on November 25, 1968 based upon informants and independent investigation that RIZZO is presently and has been for the past three months actively engaged in bookmaking. Lieutenant Malone advises that he has also determined that Rizzo is utilizing the telephone subscribed to by Irene Durick, 257 Witmer Road, North Tonawanda, New York, for bookmaking purposes.

Over the past six months, numerous telephone calls have emanated from the Durick residence during prime bookmaking time, to known bookmakers and bookmaking establishments.

RONALD APPOLONEY, RALPH FAVA and LOUIS CUBELLO are the subscribers to the telephones identified by the informant as being used in the NICOLETTI bookmaking operation.

RONALD APPOLONEY

Address: 513 15th Street, Niagara Falls,.New York
Telephone: 716 284-8559

Personal observations of RONALD APPOLONEY's residence during October and November, 1968 place BENJAMIN NICOLETTI, JR. at that residence. As will be noted, infra, RONALD APPOLONEY has during the past two months, been seen to visit the residences of RALPH FAVA and BENJAMIN NICOLETTI, JR.

RALPH FAVA

Address: 2241 South Avenue, Niagara Falls, New York
Telephone: 716-284-0879
716-284-0792

Over the past six months, telephone calls have emanated from the residence of RALPH FAVA to telephone numbers in Canada associated with bookmakers and gamblers. Numerous calls over the past six months have gone from FAVA's house to a number known to be used by a bookmaker in Buffalo, New York. These calls were frequently made during prime bookmaking hours. As above-noted, in the discussion of LOUIS TAVANO, numerous telephone calls have come from a different Buffalo, New York bookmaking operation to a telephone at FAVA's residence. It is also noted that on September 13, 1968, a second and additional telephone with a separate and distinct number was installed in FAVA's home.

Extensive personal observation of the FAVA residence since September, 1968, revealed that it was very frequently visited by BENJAMIN NICOLETTI, JR. during the period of prime bookmaking time. Periodically over the past three months, FAVA's residence has also been visited by SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR.

LOUIS CUBELLO

Address: 2262 Woodlawn Avenue, Niagara Falls, New York
Telephone: 716-285-7798

In November, 1968, BENJAMIN NICOLETTI, JR. has been observed to be at LOUIS CUBELLO's residence during prime bookmaking time.

BENJAMIN NICOLETTI, JR.

Address: 2654 North Avenue, Niagara Falls, New York

BENJAMIN NICOLETTI, JR., FBI Number 80339G has been arrested five times from 1964 to 1967, for gambling offenses. He has been convicted on two of these charges, and he has gambling charges pending. Investigation has revealed no legitimate source of income for BENJAMIN NICOLETTI, JR. He is known to the Niagara Falls, New York Police Department as can be seen by the affidavit of Lieutenant John E. Belkota, as an active bookmaker.

Telephone records of BENJAMIN NICOLETTI, JR.'s home telephone indicate that at least on one occasion a call emanated therefrom to a telephone number known to be used and connected with known bookmakers and gamblers in Toronto, Ontario, Canada. As previously noted in the discussion of RALPH FAVA, BENJAMIN NICOLETTI, JR. has been frequently observed to be at FAVA's home during prime bookmaking time. FAVA's telephone, during prime bookmaking time, has been used to transmit and receive calls from and to numbers associated with foreign and New York State bookmaking interests.

As previously described, BENJAMIN NICOLETTI, JR. has been personally observed on recent occasions at the residences of LOUIS CUBELLO and RONALD APPOLONEY. Personal observations previously described have also placed BENJAMIN NICOLETTI, JR. within the past three months as meeting on numerous occasions GINO MONACO, SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR. Personal

observations have established that BENJAMIN NICOLETTI, JR. meets with BENJAMIN NICOLETTI, SR., immediately prior to the time that BENJAMIN NICOLETTI, SR. meets with PETER A. MAGADDINO. These meetings most frequently occur at the home of BENJAMIN NICOLETTI, SR. at 455 Cayuga Street, Lewiston, New York.

BENJAMIN NICOLETTI, SR.

Address: 455 Cayuga Street, Lewiston, New York
1002 Hewitt Drive, Lewiston, New York

BENJAMIN NICOLETTI, SR., FBI Number 285280, has an arrest record dating from 1930. He has been arrested once for burglary, twice for robbery and five times for gambling violations. He was convicted twice for bookmaking and gambling activity. There is currently pending before the Grand Jury of Niagara County, a gambling charge. He is known to Niagara Falls, New York Police Department, as can be seen more particularly in the affidavit of Lieutenant John E. Belkota, as one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He is further identified by Lieutenant John E. Belkota to be running the gambling operation in Niagara Falls, New York for STEFANO MAGADDINO and PETER A. MAGADDINO.

As previously mentioned, BENJAMIN NICOLETTI, SR. was observed meeting BENJAMIN NICOLETTI, JR. and GINO MONACO at LOUIS TAVANO's Red Carpet Lounge. It has also been noted above that BENJAMIN NICOLETTI, SR. has visited RALPH FAVA's residence. Numerous personal observations reveal that on or about Tuesday morning of each week, BENJAMIN NICOLETTI, SR. meets with BENJAMIN NICOLETTI, JR. Thereafter, and at approximately 2:00 p.m. of each Tuesday, BENJAMIN NICOLETTI, SR. rendezvous with PETER A. MAGADDINO. Their meetings have frequently and most recently taken place at the Your Host Restaurant on Niagara Falls Boulevard, Tonawanda, New York. On a number of these occasions, BENJAMIN NICOLETTI, SR. appeared to be passing an object to PETER A. MAGADDINO. During some of

these meetings, a nearby Special Agent of the Federal Bureau of Investigation overheard large dollar figures being discussed. On one occasion, a placemat on which BENJAMIN NICOLETTI, SR. had written, was recovered containing several numerical notations. After these meetings with PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR. was personally observed to return to one or the other of his two homes, i.e. 455 Cayuga Street, Lewiston, New York or 1002 Hewitt Drive, Lewiston, New York.

PETER MAGADDINO

Address: 1103 22nd Street, Niagara Falls, New York

PETER A. MAGADDINO is known to the Niagara Falls, New York Police Department to be working directly for his father and over BENJAMIN NICOLETTI, SR., collecting the proceeds from bookmaking operations and in turn remitting them to his father, STEFANO MAGADDINO, as can be seen by the affidavit of Lieutenant John E. Belkota.

PETER A. MAGADDINO, as previously noted, has been personally observed to meet with BENJAMIN NICOLETTI, SR. on Tuesdays and receive a package from him. Personal observations indicate that immediately thereafter PETER A. MAGADDINO returns to the Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. On at least one occasion, when it was apparent that his father, STEFANO MAGADDINO was not at the Magaddino Memorial Chapel, PETER A. MAGADDINO bypassed the Chapel and then drove to his own home, 1103 22nd Street, Niagara Falls, New York.

STEFANO MAGADDINO

Business Address: Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York

Home Address: 5118 Dana Drive, Lewiston, New York

STEFANO MAGADDINO is also known to the Niagara Falls, New York Police Department to be in control of all

major gambling and bookmaking activity in Niagara Falls, New York, as can be seen by the affidavit of Lieutenant John E. Belkota. His information concerning STEFANO MAGADDINO is in complete accord with the information and belief of the deponent.

ERNEST REINHART, WALTER CHOMSKI, ALBERT IANNUZZELLI, and his brother LOUIS IANNUZZELLI, all of whom were mentioned in the informant information referred to in Special Agent Joseph E. Griffin, Jr.'s affidavit, are known to the Canadian police to be actively engaged in bookmaking and/or gambling activity in Canada. At least one of them has been convicted on gambling charges, as can be seen by the affidavit of Detective James Moody, a Niagara Falls, Ontario Police Officer. His affidavit is also submitted in support of the issuance of this warrant.

On several occasions during the pertinent period of the investigation, PETER A. MAGADDINO was seen to drive a 1966 black Cadillac, with New York State Registration 8E 2952, to and from the weekly meetings with BENJAMIN NICOLETTI, SR.

On every occasion during the pertinent period of the investigation, BENJAMIN NICOLETTI, SR. drove a 1967 brown Cadillac, with New York State Registration 5280 NF to and from the weekly meetings with PETER A. MAGADDINO.

BENJAMIN NICOLETTI, JR. is the registered owner of a 1967 green Buick, with New York State Registration 9543 NF. He has used this automobile to go to his father's for their weekly meeting. His car has also frequently been seen at his other bookmaking establishments.

PATSY PASSERO is the registered owner of the 1965 red Dodge, with New York State Registration LO 2246. During the pertinent period of this investigation, PATSY PASSERO has used his car on a daily basis and in meeting with other NICOLETTI bookmakers.

Based on all the information above and all the information in the affidavits of Joseph E. Griffin, Jr., John E. Belkota and James Moody, I have reason to believe and do believe as follows:

1. There are gambling records and paraphernalia and evidence of gambling violations in the above-described automobiles.

2. There are gambling records, moneys, telephones, other gambling paraphernalia, and evidence of the commission of gambling violations at the following premises:

(a) Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. I have determined that the Assessor of the City of Niagara Falls, New York, carries this premises as the location of the Magaddino Funeral Home, Inc.;

(b) The home of PETER A. MAGADDINO, 1103 22nd Street, Niagara Falls, New York;

(c) The homes of BENJAMIN NICOLETTI, SR., 455 Cayuga Street, Lewiston, New York, and 1002 Hewitt Drive, Lewiston, New York;

(d) The home of BENJAMIN NICOLETTI, JR., 2654 North Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York, has this property listed as owned by MARGUERITE M. NICOLETTI;

(e) The home of PATSY PASSERO, 2895 Lewiston Road, Niagara Falls, New York;

(f) The business address of MICHAEL FARELLA, The Niagara Sundry Shop, 1216 Niagara Street, Niagara Falls, New York. This Premises is listed by the Assessor of the City of Niagara Falls, New York as owned by ANGELO and ANNA GODINO;

(g) The home of AUGIE RIZZO, 257 Witmer Road, North Tonawanda, New York. This premises is listed by the Assessor of the City of North Tonawanda, as being owned by Saj Trucking and Excavating, Inc.;

(h) The home of SAM PUGLESE, 177 61st Street, Niagara Falls, New York. This premises is listed by the Assessor of the City of Niagara Falls, New York, as owned by NICHOLAS PUGLIESE;

(i) The home of RALPH FAVA, 2241 South Avenue, Niagara Falls, New York;

(j) The home of LOUIS CUBELLO, 2262 Woodlawn Avenue, Niagara Falls, New York;

(k) The home of RONALD APPOLONEY, 513 15th Street, Niagara Falls, New York. This premises is listed by the Assessor for the City of Niagara Falls, New York, as owned by FILIPPINA PAONESSA;

(l) The home of LOUIS TAVANO, 5308 Elm Drive, Lewiston, New York; this premises is listed by the Assessor for the Town of Lewiston, New York, as owned by LEWIS TAVANO.

The full descriptions of the premises which I desire to be searched are set forth in the captions of the warrants submitted.

The information contained in those descriptions was gathered from the following sources:

(1) Barbara Lilly of the Assessors Office of the City of Niagara Falls, New York

(2) Dorothy Clark of the Assessors Office of the Town of Lewiston, New York

(3) Charles Guzzetta of the Assessors Office of the City of North Tonawanda, New York

(4) Personal observations of Special Agents of the Federal Bureau of Investigation.

There are gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations at the following premises:

The house utilized by GINO MONACO in carrying on bookmaking activity, i.e. 1120 Linwood Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York has this property listed as owned by ANTHONY DE NOFRIO.

The full description of this premises is set forth in the caption of the warrant submitted. The description was gathered from the following sources:

Barbara Lilly, the Assessors Office of the City of Niagara Falls, New York; and personal observations of Special Agents of the Federal Bureau of Investigation.

Raymond C Kruger

Special Agent, Federal Bureau of Investigation

Sworn to and subscribed before me this 26th day of November, 1968

Ed A Marks

United States Commissioner

AFFIDAVIT

I, Joseph E. Griffin, Jr., having been duly sworn, depose and say:

I have been a Special Agent of the Federal Bureau of Investigation, assigned to the Buffalo Division of that Bureau for over four years, during which time I have been assigned to investigate gambling cases. I would estimate that I have investigated in excess of 100 gambling cases.

In the course of these investigations, I have been called upon to testify in judicial proceedings concerning and Grand Jury investigations of illegal gambling activity. In an attempt to make my investigations more meaningful, I have discussed with more experienced fellow officers, of local as well as Federal jurisdiction, the nature and operation of illegal gambling and bookmaking enterprises. I have also, from time to time, discussed with known convicted bookmakers the nature of their operation.

Based upon my experiences in gambling investigations, I can make the following observations. Conducting the business of bookmaking involves several levels of participation with the participants at each level necessarily maintaining records of their transactions with people above and below their echelon of activity. Bookmakers generally recognize that making use of telephones in interstate commerce in the conduct of their business violates Federal law. They go to great lengths not only to camouflage their bookmaking activities, but also to insulate themselves from any such use of interstate telephone calls. Such use is, at times, nonetheless necessary. Interstate and foreign telephone calls are made generally for one or both of these reasons: to "lay off" bets; to get "line information." "Laying off" bets means to place bets on the same horse or team

in a sporting event on which the bookmaker has accepted bets, so that he in effect is betting both ways. The purpose is to protect against heavy losses. "Line information" is information about the odds or point spread on a particular horse or sporting event on a given day.

I can say also that to guard against prosecution, important bookmakers commonly hire people to perform the hazardous functions of the bookmaking enterprise, such as accepting and laying off wagers. Where this is done, it is essential that there be some system for "settling up" accounts between employer and employee. That is, the proceeds of the operation collected by the employees from losing bettors must be passed on to the employers in the bookmaking operation. In some bookmaking operations, the settling up process is done on a weekly basis.

In virtually all gambling cases and bookmaking cases, as well as others involving different crimes, I have dealt with confidential informants. During the past four years, I have continuously received and used information from one particular confidential informant, whose information has proven to be extremely reliable. Information from this informant has resulted in numerous local and Federal arrests, and numerous convictions.

As long as several months ago, this above mentioned informant had advised me that Benjamin Nicoletti, Sr., of Lewiston, New York, was supervising a bookmaking operation for Stefano Magaddino of Lewiston, New York. During September, October, and November of 1968, this same informant advised me that this same operation was continuing and supplied me with the specific details of how the bookmaking operation was being conducted. The informant advised me that he had learned these details from Benjamin Nicoletti, Sr. and Peter A. Magaddino, during the same period that he was giving me the information; i.e.,

September, October, and November, 1968. The details so supplied to me by the informant are as follows:

Benjamin Nicoletti, Sr., in carrying on the bookmaking operation for Stefano Magaddino, deals directly through his son, Benjamin Nicoletti, Jr. Benjamin Nicoletti, Jr., acting on behalf of his father, Benjamin Niccletti, Sr., employs Patsy Passero, Gino Monaco, Louis Tavano, Sam Puglese, Augie Rizzo, and Mike Farella as bookmakers. Their primary function is to accept wagers from and settle up with bettors. Benjamin Nicoletti, Jr. exericses some degree of control over these operations, normally by being accessible to them by telephone during bookmaking hours in order to solve any difficulties arising out of the bookmaking operation.

The informant advised that Benjamin Nicoletti, Jr. also engages in actual bookmaking in conjunction with the above described operation. The informant said that Benjamin Nicoletti, Jr. personally runs the sports book which involves the accepting and sometimes laying off of wagers on sporting contests as contrasted to horse races.

The same informant further advises that one of the above-named employees is designated by Benjamin Nicoletti, Jr. to lay off excess action to certain notorious bookmakers in Canada, and to accept lay-off action from them. The Canadians named by the informant are the Iannuzzellis, Ernest Reinhart, and Walter Chomski; all of whom live in the Province on Ontario.

The informant advised that during October, 1968, Benjamin Nicoletti, Jr. operated his bookmaking enterprises at Niagara Falls, New York telephone number 284-0879 (subsequently determined to be listed to Ralph Fava, 2241 South Avenue, Niagara Falls, New York), and at Niagara Falls, New York telephone number 284-8559 (subsequently determined to be listed to Ronald Appoloney, 513 15th Street, Niagara Falls, New York). Sometime during November, 1968, Benjamin Nicoletti, Jr. began to also use in connection with his bookmaking enterprise Niagara Falls, New York telephone number 285-7798

(subsequently determined to be listed to Louis Cubello, 2262 Woodlawn Avenue, Niagara Falls, New York). The informant further advised that Augie Rizzo is currently accepting wagers for Benjamin Nicoletti, Jr. in North Tonawanda, New York, and is using telephone number 694-3312 to accept betting action. (This telephone number was subsequently determined to be listed to Irene Durick, 257 Witmer Road, North Tonawanda, New York.)

The above-mentioned informant advised as follows regarding settling up in the operation. The employees named above settle up with the bettors and then with Benjamin Nicoletti, Jr. sometime prior to Tuesday of each week.

Once a week, normally on Tuesday, Benjamin Nicoletti, Jr. meets with his father to balance their books, with the son passing on to the father the percentage of the profits due the father and the percentage of profits due Stefano Magaddino. Also on Tuesday, Benjamin Nicoletti, Sr. similarly settles up with Stefano Magaddino. For purposes of this task, Benjamin Nicoletti, Sr. meets with Peter A. Magaddino, Stefano Magaddino's son, and passes on the share due Stefano Magaddino. Peter A. Magaddino then promptly delivers the proceeds to his father, Stefano Magaddino.

The same informant advised me that over the past several years, Stefano Magaddino has used the Magaddino Memorial Chapel in the informant's presence as a meeting place for the transaction of business related to illegal bookmaking, gambling, and loan-sharking activities. The business so conducted consisted of reporting on problems as they arose, and settling up of accounts. He further advised that Stefano Magaddino controls all major bookmaking and gambling activity in Niagara Falls, New York. Additionally, he advised that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Since I have been assigned to the Buffalo Office of the Federal Bureau of Investigation, I have received information from more than five confidential

informants, all of whom have given other information which proved reliable, that Stefano Magaddino controls all large scale bookmaking and gambling, activity in Niagara Falls, New York. On November 22, 1968, I spoke to two informants, both of whom have given reliable information in the past, and neither of whom is the one I have referred to above. Each informant on that occasion advised me that Stefano Magaddino still controls all large scale bookmaking, gambling, and loan shark activity in Niagara Falls, New York. One of the two also confirmed that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Joseph E. Griffin, Jr.

Sworn to and subscribed before me
this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, John E. Belkota, being duly sworn, depose and say:

I am a Lieutenant in the Niagara Falls Police Department on which force I have worked for 17 years. For the past 9 years, I have participated in more than 100 investigations of bookmaking and related crimes and have participated in the arrests of more than 200 individuals on such charges. Virtually all led to convictions or pleas of guilty. During that time, I have had extensive contact with confidential informants.

For the past several years, I have received information from several informants, all of whom have given reliable information in the past leading to arrests and convictions on bookmaking charges, that Benjamin Nicoletti, Sr. runs a large bookmaking operation. Overseeing the daily activities of the operation is his son, Benjamin Nicoletti, Jr.

During September, October and November of 1968, I have received information from several of these reliable informants that Gino Monaco, Sam Puglese and Mike Farella are working as bookmakers for the Nicoletti's. Their operations consist primarily of accepting wagers by telephone, collecting from losing bettors and paying off winners. During November, 1968, one of these reliable informants advised me that Louis Tavano also is working as a bookmaker for the Nicoletti's.

The same reliable informants have also advised me during the period September, October and November of 1968, that Patsy Passero deals with Benjamin Nicoletti, Jr. in a lay off operation.

The information from the above mentioned informants has been corroborated by investigation conducted by members of my Confidential Squad. For instance, I was advised that the residences of Ralph Fava, Ronald Appoloney and an apartment above a branch post office in Niagara Falls, New York, were being used at various times as telephone rooms. Subsequent physical surveillance by detectives in my unit placed the bookmakers at these premises during prime bookmaking hours.

Prime bookmaking hours consist of those times when wagering is most heavily conducted. For horse races, this is usually 1:00 P.M. to 5:00 P.M., Monday through Saturday. For other sporting contests commonly played on weekends, the prime time is generally 1:00 P.M. to 4:00 P.M., on Saturday and Sunday.

Based upon my trust in the reliability of the above mentioned informant information, investigation which that informant stimulated, and my experience investigating gambling and bookmaking cases in Niagara Falls, New York for the past 9 years, I can state the following:

I know Gino Monaco to have an extensive bookmaking record and to be a long time associate of Benjamin Nicoletti, Jr. and Benjamin Nicoletti, Sr. in their gambling operation. It is my present opinion and firm belief that he is presently engaged in bookmaking and is working for the Nicoletti's in that operation.

I know Sam Puglese also to have a criminal record for gambling type cases and to be an associate of the Nicoletti's. He is now engaged as a bookmaker in the Nicoletti operation.

Mike Farella is also known to me to have a criminal record for gambling type cases. He also is an associate of the Nicoletti's. It is my present opinion and firm belief that he too is a bookmaker in the Nicoletti operation.

I know Patsy Passero to have a criminal record for bookmaking and other crimes. He, too, is a long time associate of the Nicoletti's. He is presently working with them in a lay off capacity.

Benjamin Nicoletti, Jr. has an extensive criminal record for gambling violations. He is engaged in bookmaking activities with the bookmakers named above and his father.

I know Benjamin Nicoletti, Sr. to have a criminal record for gambling and bookmaking violations. At the present time he is one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He runs the operation directly for Stefano Magaddino and Peter A. Magaddino.

This information regarding bookmaking operations by Benjamin Nicoletti, Sr. and Benjamin Nicoletti, Jr. over the past several years and specifically in the past three months, has included information that Benjamin Nicoletti, Sr. works for Peter A. Magaddino and that profits of the operation go in part to Peter A. Magaddino and Stefano Magaddino. The distribution of revenue is as follows: Benjamin Nicoletti, Jr. collects from the employee bookmakers. He passes money up to Benjamin Nicoletti, Sr. Benjamin Nicoletti, Sr. meets with Peter A. Magaddino and passes money to him. Peter A. Magaddino passes the money on to Stefano Magaddino, for whom he works.

The same reliable confidential informants have advised me over the past several years that Stefano Magaddino controls all major gambling and bookmaking activity in Niagara Falls, New York. This information has been confirmed as recently as the past month by an informant whose information has always proven reliable.

Sworn to and Subscribed
Before Me This 26 Day of
November, 1968

Edward J. Makowski
United States Commissioner

John E. Belkota
JOHN E. BELKOTA

Form A/O. 91 (Rev.12-1-58)

Complaint

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 111

UNITED STATES OF AMERICA

v

STEFANO MAGADDINO, PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR., BENJAMIN NICOLETTI, JR., GINO FRANK MONACO, SAM JOSEPH PUGLESE, MICHAEL FARELLA, AUGUSTINE RIZZO, JR. a/k/a Augie Rizzo, PATSY PASSERO, and LOUIS TAVANO.

COMPLAINT for VIOLATION of

U.S.C. Title 18

Sections 1952, 2 and 371

BEFORE Edmund F. Maxwell, Name of Commissioner, 1112 Prudential Building, Buffalo, New York, Address of Commissioner

The undersigned complainant being duly sworn states:

That during the months of September, October, and November, 1968, up to and including ~~on or about~~ the date of this ~~19xxxxat~~ complaint, at Niagara Falls, New York, Lewiston, New York, North Tonawanda, New York, Tonawanda, New York, and elsewhere in the

State and Western District of New York

(1) STEFANO MAGADDINO, PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR., BENJAMIN NICOLETTI, JR., GINO FRANK MONACO, SAM JOSEPH PUGLESE, MICHAEL FARELLA, AUGUSTINE RIZZO, JR. a/k/a/ Augie Rizzo, PATSY PASSERO, and LOUIS TAVANO did(2) while engaged in the business of gambling and bookmaking in violation of the laws of the State of New York, knowingly conspire to use, use and cause to be used, telephone facilities in foreign commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said gambling and bookmaking business.

And the complainant states that this complaint is based on the attached affidavits of Special Agent Raymond C. Kruger, Special Agent Joseph E. Griffin, Jr., Detective James Moody and John E. Belkota

And the complainant further states that he believes that

are material witnesses in relation to this charge.

Raymond C. Kruger

Raymond C. Kruger, S.A., F.B.I., Signature of Complainant, Official Title.

Sworn to before me, and subscribed in my presence, Nov 26, 1968.

United States Commissioner.

(1) Insert name of accused.
(2) Insert statement of the essential facts constituting the offense charged.

#23-9

CR-1968-196

Commissioner's
Warrant of Arrest

Form A. O. 90 (Rev. 7-26-50)

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 111

UNITED STATES OF AMERICA

v

AUGUSTINE RIZZO, JR.
a/k/a Augie Rizzo

WARRANT OF ARREST

To any authorized Agent of the Federal Bureau of Investigation:

You are hereby commanded to arrest AUGUSTINE RIZZO, JR./ also known as Augie Rizzo, and bring him
here insert name of defendant or description

forthwith before the nearest available United States Commissioner to answer to a complaint charging him

with being engaged in the business of gambling and bookmaking in violation
here describe offense charged in complaint
of the laws of the State of New York, and knowingly conspiring to use and using and causing to be used telephone facilities in foreign commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said gambling and bookmaking business.
in violation of U.S.C. Title, 18, Sections 1952, 2, and 371.

Date November 26, 1968.

[signature]
United States Commissioner.

1. Here insert designation of officer to whom warrant is issued.

RETURN

Received November 26, 1968 at Buffalo, N.Y., and executed by arrest of Augustine Rizzo, Jr at North Tonawanda, N.Y on November 26, 1968.

Carl E. Underhill
Name.

Special Agent, FBI
Title.

Date

District of

, 19 .

By, Deputy

AFFIDAVIT

I, Raymond C. Kruger, being duly sworn, depose and say:

I have been employed as a Special Agent of the Federal Bureau of Investigation for over 17 years, and have worked for the past five years in the Buffalo Division of the Federal Bureau of Investigation. During this period of time, I have regularly participated in investigating gambling and bookmaking matters. I have participated in investigating in excess of 50 such gambling and bookmaking cases. I have participated in numerous Grand Jury investigations of gambling and bookmaking matters.

Fellow Special Agent, Joseph E. Griffin, Jr., received certain information from an informant regarding the conduct of a bookmaking operation involving STEFANO MAGADDINO, BENJAMIN NICOLETTI, SR., PETER A. MAGADDINO, SAM PUGLESE, AUGIE RIZZO, MIKE FARELLA, LOUIS TAVANO, of the United States, the IANNUZZELLIs, ERNEST REINHART, WALTER CHOMSKI of Canada, and also involving New York telephone numbers, the subscribers of which were determined to be RALPH FAVA, LOUIS CUBELLO and RONALD APPOLONEY.

Based on this informant information received by Special Agent Joseph E. Griffin, Jr., and more fully set out in his affidavit, submitted in application for the warrant herein sought, I began an investigation which consisted of collecting available information and gathering new information relative to the information received from the proven reliable informant. In the course of this investigation, I gathered available information concerning the personal reputations and criminal records of the individuals alleged to be involved. In addition, certain physical observations which had been conducted were reviewed and certain new physical observations were commenced.

Information from the telephone company was gathered as to toll calls emanating from certain telephones. The personal observations were made by the Niagara

Falls, New York Police Department and the Federal Bureau of Investigation. Several officers of the Niagara Falls Police Department and numerous Agents of the Federal Bureau of Investigation were involved in carrying out these physical observations.

The information gathered in the course of this investigation is as follows:

PATSY PASSERO

Address: 2895 Lewiston Road, Niagara Falls, New York

PATSY PASSERO, FBI Number 2210855, identified by the informant as a bookmaker working for the NICOLETTIs, has an arrest record which dates from 1940 to 1967. He has been arrested three times for burglary, once for suspicion of robbery and one time for bookmaking. He has been convicted twice of burglary and once for bookmaking offenses. According to Lieutenant John E. Belkota, he is a long-time associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR., identified by the informant as the supervisors of their operation, and is presently associated with them in a "lay off" capacity.

Over the past six months, numerous telephone calls have emanated from the PASSERO residence during the prime bookmaking time. Many were made to Canada to known bookmaking establishments and persons connected with bookmaking and gambling. In addition to the foreign calls, there were interstate calls made to numbers commonly associated with bookmaking and gambling.

During this same period of time, calls were made from Canada, from numbers known to be connected with bookmaking activity to the telephone at the residence of PATSY PASSERO.

Personal observations during the month of November, 1968, further indicate that PATSY PASSERO is at home during the prime bookmaking hours. PASSERO's car has been spotted on occasions as recently as November, 1968, in the vicinity of the Niagara Sundry, the place

of business of MIKE FARELLA, identified by the informant as a bookmaker for the NICOLETTIs.

On one occasion, during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO, was seen meeting and talking with PATSY PASSERO. TAVANO has also been identified as a bookmaker for the NICOLETTIs.

GINO MONACO

Address: Sleepy Time Motel, 6831 Pine Avenue, Niagara Falls, New York

GINO MONACO, also known as Gino Frank Monaco, FBI Number 322281D, also identified by the informant as a bookmaker for the NICOLETTIs, has a criminal record dating from February 8, 1955 through June 12, 1967, during which time he has been charged with and convicted of gambling violations on three different occasions. Investigation revealed no present legitimate source of income for GINO MONACO. In addition to that, as can be seen more particularly from the affidavit of Lieutenant John E. Belkota, which is also submitted in connection with the warrant herein sought, MONACO is known to the Niagara Falls Police Department as a long-time associate of BENJAMIN NICOLETTI, JR., and BENJAMIN NICOLETTI, SR., in their gambling operation, and is presently believed to be personally engaged in bookmaking for the NICOLETTIs.

Personal observation of MONACO on November 15, 1968, placed him at the address of 1120 Linwood, Niagara Falls, New York, during prime bookmaking time. During the same week, his automobile was seen near the same address.

The same premises were also visited by BENJAMIN NICOLETTI, JR. during that week during prime bookmaking hours.

Personal observations as recently as during the past week indicate that MONACO visits BENJAMIN NICOLETTI, JR. at the latter's home. A physical observation on Monday night, November 18, 1968, also placed MONACO in a meeting with BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR. for at least a four-hour period at the

then closed Red Carpet Lounge. During the month of November, 1968, GINO MONACO was observed meeting with MIKE FARELLA, previously identified as one of NICOLETTI's bookmakers, at a shop known as Mario's. Mario's sells various racing forms on a daily basis.

SAM PUGLESE

Address: 177 61st Street, Niagara Falls, New York

SAM PUGLESE, FBI Number 704026, identified by the informant as one of NICOLETTI's bookmakers, has been arrested and convicted on gambling charges in 1964 and 1967. Investigation reveals no legitimate source of income for SAM PUGLESE. Again referring to the affidavit of Lieutenant John E. Belkota, it appears therein that SAM PUGLESE is known to the Niagara Falls, New York Police Department as an active bookmaker and associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

During September, October and November, 1968, personal observations have on numerous occasions placed PUGLESE at the house of RALPH FAVA during prime bookmaking time. The telephone subscribed to by Ralph Fava was identified by the informant as used in the NICOLETTI bookmaking operation. On each of these occasions, BENJAMIN NICOLETTI, JR. was also there during said prime bookmaking time. As noted infra, FAVA's telephone has been used to contact other bookmakers.

MIKE FARELLA

Business Address: Niagara Sundry, 1216 Niagara Street, Niagara Falls, New York

MIKE FARELLA, FBI Number 804012, identified by the informant as a bookmaker for the NICOLETTIs, from 1934 to 1967, has been arrested five times and convicted four times for gambling activity. Again referring to Lieutenant John E. Belkota's affidavit, he is known as an associate of BENJAMIN NICOLETTI, JR. and BENJAMIN

NICOLETTI, SR., and is presently believed to be a bookmaker in that operation. Up to and including the present time, personal observations have revealed that the Sundry Shop is not operated under normal conditions. It was noted that its door is locked and admittance can be gained only by attracting the attention of those inside.

As noted supra, personal observation has placed MIKE FARELLA meeting with GINO MONACO, at a shop known as Mario's.

LOUIS TAVANO

Address: 5308 Elm Drive, Lewiston, New York

LOUIS C. TAVANO, identified by informant as one of the bookmakers working for the NICOLETTIs, is known to the Niagara Falls, New York Police Department as an active bookmaker. Lieutenant Belkota identifies him as working in that capacity for BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

Over the past two months numerous foreign, interstate and intrastate telephone calls have emanated from LOUIS TAVANO's residence at 5308 Elm Drive, Lewiston, New York. Telephone numbers known to be utilized by ERNEST REINHART, a notorious bookmaker in Ontario, Canada, are among those called. In addition, these same numbers in Canada are used to place calls to TAVANO in Lewiston, New York during the same period of time. Numerous additional calls were emanating during the same period from the TAVANO residence to a telephone number used by ANGELO BONITO, identified to me by the Buffalo Police Department as a known bookmaker in Buffalo, New York. During the same two-month period, numerous calls emanated from this same Buffalo telephone number to TAVANO. The telephone number used by Bonito was used to make calls to the RALPH FAVA residence in Niagara Falls, New York. RALPH FAVA's home and telephone are identified elsewhere in this affidavit and in the affidavit of Joseph E. Griffin, Jr., as used by BENJAMIN NICOLETTI, JR. in the carrying on of his bookmaking operation.

NICOLETTI, SR., and is presently believed to be a bookmaker in that operation. Up to and including the present time, personal observations have revealed that the Sundry Shop is not operated under normal conditions. It was noted that its door is locked and admittance can be gained only by attracting the attention of those inside.

As noted supra, personal observation has placed MIKE FARELLA meeting with GINO MONACO, at a shop known as Mario's.

LOUIS TAVANO

Address: 5308 Elm Drive, Lewiston, New York

LOUIS C. TAVANO, identified by informant as one of the bookmakers working for the NICOLETTIs, is known to the Niagara Falls, New York Police Department as an active bookmaker. Lieutenant Belkota identifies him as working in that capacity for BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

Over the past two months numerous foreign, interstate and intrastate telephone calls have emanated from LOUIS TAVANO's residence at 5308 Elm Drive, Lewiston, New York. Telephone numbers known to be utilized by ERNEST REINHART, a notorious bookmaker in Ontario, Canada, are among those called. In addition, these same numbers in Canada are used to place calls to TAVANO in Lewiston, New York during the same period of time. Numerous additional calls were emanating during the same period from the TAVANO residence to a telephone number used by ANGELO BONITO, identified to me by the Buffalo Police Department as a known bookmaker in Buffalo, New York. During the same two-month period, numerous calls emanated from this same Buffalo telephone number to TAVANO. The telephone number used by Bonito was used to make calls to the RALPH FAVA residence in Niagara Falls, New York. RALPH FAVA's home and telephone are identified elsewhere in this affidavit and in the affidavit of Joseph E. Griffin, Jr., as used by BENJAMIN NICOLETTI, JR. in the carrying on of his bookmaking operation.

Personal observations have also placed BENJAMIN NICOLETTI, JR., BENJAMIN NICOLETTI, SR. and GINO MONACO at a meeting at TAVANO's Red Carpet Lounge, Pine Avenue, Niagara Falls, New York, on Monday, November 18, 1968. It was noted that at the time of this observation, the Red Carpet Lounge was not open for business. During the course of this same observation and at the conclusion of the meeting among the above three mentioned individuals, BENJAMIN NICOLETTI, JR. was seen to secure and lock the front door of TAVANO's restaurant and place the key in his pocket.

On one occasion during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO was seen meeting and talking with PATSY PASSERO.

AUGIE RIZZO

Address: 257 Witmer Road, North Tonawanda, New York

AUGUSTINE RIZZO, JR., identified by informant as a bookmaker for the NICOLETTIs, is also known as Augie Rizzo, and is known to Lieutenant Frank Malone, North Tonawanda, New York Police Department to be residing at 257 Witmer Road, North Tonawanda, New York with one Irene Durick. Lieutenant Malone advised on November 25, 1968 based upon informants and independent investigation that RIZZO is presently and has been for the past three months actively engaged in bookmaking. Lieutenant Malone advises that he has also determined that Rizzo is utilizing the telephone subscribed to by Irene Durick, 257 Witmer Road, North Tonawanda, New York, for bookmaking purposes.

Over the past six months, numerous telephone calls have emanated from the Durick residence during prime bookmaking time, to known bookmakers and bookmaking establishments.

RONALD APPOLONEY, RALPH FAVA and LOUIS CUBELLO are the subscribers to the telephones identified by the informant as being used in the NICOLETTI bookmaking operation.

RONALD APPOLONEY

Address: 513 15th Street, Niagara Falls, New York
Telephone: 716 284-8559

Personal observations of RONALD APPOLONEY's residence during October and November, 1968 place BENJAMIN NICOLETTI, JR. at that residence. As will be noted, infra, RONALD APPOLONEY has during the past two months, been seen to visit the residences of RALPH FAVA and BENJAMIN NICOLETTI, JR.

RALPH FAVA

Address: 2241 South Avenue, Niagara Falls, New York
Telephone: 716-284-0879
716-284-0792

Over the past six months, telephone calls have emanated from the residence of RALPH FAVA to telephone numbers in Canada associated with bookmakers and gamblers. Numerous calls over the past six months have gone from FAVA's house to a number known to be used by a bookmaker in Buffalo, New York. These calls were frequently made during prime bookmaking hours. As above-noted, in the discussion of LOUIS TAVANO, numerous telephone calls have come from a different Buffalo, New York bookmaking operation to a telephone at FAVA's residence. It is also noted that on September 13, 1968, a second and additional telephone with a separate and distinct number was installed in FAVA's home.

Extensive personal observation of the FAVA residence since September, 1968, revealed that it was very frequently visited by BENJAMIN NICOLETTI, JR. during the period of prime bookmaking time. Periodically over the past three months, FAVA's residence has also been visited by SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR.

LOUIS CUBELLO

Address: 2262 Woodlawn Avenue, Niagara Falls, New York
Telephone: 716-285-7798

In November, 1968, BENJAMIN NICOLETTI, JR. has been observed to be at LOUIS CUBELLO's residence during prime bookmaking time.

BENJAMIN NICOLETTI, JR.

Address: 2654 North Avenue, Niagara Falls, New York

BENJAMIN NICOLETTI, JR., FBI Number 80339G has been arrested five times from 1964 to 1967, for gambling offenses. He has been convicted on two of these charges, and he has gambling charges pending. Investigation has revealed no legitimate source of income for BENJAMIN NICOLETTI, JR. He is known to the Niagara Falls, New York Police Department as can be seen by the affidavit of Lieutenant John E. Belkota, as an active bookmaker.

Telephone records of BENJAMIN NICOLETTI, JR.'s home telephone indicate that at least on one occasion a call emanated therefrom to a telephone number known to be used and connected with known bookmakers and gamblers in Toronto, Ontario, Canada. As previously noted in the discussion of RALPH FAVA, BENJAMIN NICOLETTI, JR. has been frequently observed to be at FAVA's home during prime bookmaking time. FAVA's telephone, during prime bookmaking time, has been used to transmit and receive calls from and to numbers associated with foreign and New York State bookmaking interests.

As previously described, BENJAMIN NICOLETTI, JR. has been personally observed on recent occasions at the residences of LOUIS CUBELLO and RONALD APPOLONEY. Personal observations previously described have also placed BENJAMIN NICOLETTI, JR. within the past three months as meeting on numerous occasions GINO MONACO, SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR. Personal

observations have established that BENJAMIN NICOLETTI, JR. meets with BENJAMIN NICOLETTI, SR., immediately prior to the time that BENJAMIN NICOLETTI, SR. meets with PETER A. MAGADDINO. These meetings most frequently occur at the home of BENJAMIN NICOLETTI, SR. at 455 Cayuga Street, Lewiston, New York.

BENJAMIN NICOLETTI, SR.

Address: 455 Cayuga Street, Lewiston, New York
1002 Hewitt Drive, Lewiston, New York

BENJAMIN NICOLETTI, SR., FBI Number 285280, has an arrest record dating from 1930. He has been arrested once for burglary, twice for robbery and five times for gambling violations. He was convicted twice for bookmaking and gambling activity. There is currently pending before the Grand Jury of Niagara County, a gambling charge. He is known to Niagara Falls, New York Police Department, as can be seen more particularly in the affidavit of Lieutenant John E. Belkota, as one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He is further identified by Lieutenant John E. Belkota to be running the gambling operation in Niagara Falls, New York for STEFANO MAGADDINO and PETER A. MAGADDINO.

As previously mentioned, BENJAMIN NICOLETTI, SR. was observed meeting BENJAMIN NICOLETTI, JR. and GINO MONACO at LOUIS TAVANO's Red Carpet Lounge. It has also been noted above that BENJAMIN NICOLETTI, SR. has visited RALPH FAVA's residence. Numerous personal observations reveal that on or about Tuesday morning of each week, BENJAMIN NICOLETTI, SR. meets with BENJAMIN NICOLETTI, JR. Thereafter, and at approximately 2:00 p.m. of each Tuesday, BENJAMIN NICOLETTI, SR. rendezvous with PETER A. MAGADDINO. Their meetings have frequently and most recently taken place at the Your Host Restaurant on Niagara Falls Boulevard, Tonawanda, New York. On a number of these occasions, BENJAMIN NICOLETTI, SR. appeared to be passing an object to PETER A. MAGADDINO. During some of

these meetings, a nearby Special Agent of the Federal Bureau of Investigation overheard large dollar figures being discussed. On one occasion, a placemat on which BENJAMIN NICOLETTI, SR. had written, was recovered containing several numerical notations. After these meetings with PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR. was personally observed to return to one or the other of his two homes, i.e. 455 Cayuga Street, Lewiston, New York or 1002 Hewitt Drive, Lewiston, New York.

PETER MAGADDINO

Address: 1103 22nd Street, Niagara Falls, New York

PETER A. MAGADDINO is known to the Niagara Falls, New York Police Department to be working directly for his father and over BENJAMIN NICOLETTI, SR., collecting the proceeds from bookmaking operations and in turn remitting them to his father, STEFANO MAGADDINO, as can be seen by the affidavit of Lieutenant John E. Belkota.

PETER A. MAGADDINO, as previously noted, has been personally observed to meet with BENJAMIN NICOLETTI, SR. on Tuesdays and receive a package from him. Personal observations indicate that immediately thereafter PETER A. MAGADDINO returns to the Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. On at least one occasion, when it was apparent that his father, STEFANO MAGADDINO was not at the Magaddino Memorial Chapel, PETER A. MAGADDINO bypassed the Chapel and then drove to his own home, 1103 22nd Street, Niagara Falls, New York.

STEFANO MAGADDINO

Business Address: Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York

Home Address: 5118 Dana Drive, Lewiston, New York

STEFANO MAGADDINO is also known to the Niagara Falls, New York Police Department to be in control of all

major gambling and bookmaking activity in Niagara Falls, New York, as can be seen by the affidavit of Lieutenant John E. Belkota. His information concerning STEFANO MAGADDINO is in complete accord with the information and belief of the deponent.

ERNEST REINHART, WALTER CHOMSKI, ALBERT IANNUZZELLI, and his brother LOUIS IANNUZZELLI, all of whom were mentioned in the informant information referred to in Special Agent Joseph E. Griffin, Jr.'s affidavit, are known to the Canadian police to be actively engaged in bookmaking and/or gambling activity in Canada. At least one of them has been convicted on gambling charges, as can be seen by the affidavit of Detective James Moody, a Niagara Falls, Ontario Police Officer. His affidavit is also submitted in support of the issuance of this warrant.

On several occasions during the pertinent period of the investigation, PETER A. MAGADDINO was seen to drive a 1966 black Cadillac, with New York State Registration 8E 2952, to and from the weekly meetings with BENJAMIN NICOLETTI, SR.

On every occasion during the pertinent period of the investigation, BENJAMIN NICOLETTI, SR. drove a 1967 brown Cadillac, with New York State Registration 5280 NF to and from the weekly meetings with PETER A. MAGADDINO.

BENJAMIN NICOLETTI, JR. is the registered owner of a 1967 green Buick, with New York State Registration 9543 NF. He has used this automobile to go to his father's for their weekly meeting. His car has also frequently been seen at his other bookmaking establishments.

PATSY PASSERO is the registered owner of the 1965 red Dodge, with New York State Registration LO 2246. During the pertinent period of this investigation, PATSY PASSERO has used his car on a daily basis and in meeting with other NICOLETTI bookmakers.

Based on all the information above and all the information in the affidavits of Joseph E. Griffin, Jr., John E. Belkota and James Moody, I have reason to believe and do believe as follows:

1. There are gambling records and paraphernalia and evidence of gambling violations in the above-described automobiles.

2. There are gambling records, moneys, telephones, other gambling paraphernalia, and evidence of the commission of gambling violations at the following premises:

(a) Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. I have determined that the Assessor of the City of Niagara Falls, New York, carries this premises as the location of the Magaddino Funeral Home, Inc.;

(b) The home of PETER A. MAGADDINO, 1103 22nd Street, Niagara Falls, New York;

(c) The homes of BENJAMIN NICOLETTI, SR., 455 Cayuga Street, Lewiston, New York, and 1002 Hewitt Drive, Lewiston, New York;

(d) The home of BENJAMIN NICOLETTI, JR., 2654 North Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York, has this property listed as owned by MARGUERITE M. NICOLETTI;

(e) The home of PATSY PASSERO, 2895 Lewiston Road, Niagara Falls, New York;

(f) The business address of MICHAEL FARELLA, The Niagara Sundry Shop, 1216 Niagara Street, Niagara Falls, New York. This Premises is listed by the Assessor of the City of Niagara Falls, New York as owned by ANGELO and ANNA GODINO;

(g) The home of AUGIE RIZZO, 257 Witmer Road, North Tonawanda, New York. This premises is listed by the Assessor of the City of North Tonawanda, as being owned by Saj Trucking and Excavating, Inc.;

(h) The home of SAM PUGLESE, 177 61st Street, Niagara Falls, New York. This premises is listed by the Assessor of the City of Niagara Falls, New York, as owned by NICHOLAS PUGLIESE;

(i) The home of RALPH FAVA, 2241 South Avenue, Niagara Falls, New York;

(j) The home of LOUIS CUBELLO, 2262 Woodlawn Avenue, Niagara Falls, New York;

(k) The home of RONALD APPOLONEY, 513 15th Street, Niagara Falls, New York. This premises is listed by the Assessor for the City of Niagara Falls, New York, as owned by FILIPPINA PAONESSA;

(l) The home of LOUIS TAVANO, 5308 Elm Drive, Lewiston, New York; this premises is listed by the Assessor for the Town of Lewiston, New York, as owned by LEWIS TAVANO.

The full descriptions of the premises which I desire to be searched are set forth in the captions of the warrants submitted.

The information contained in those descriptions was gathered from the following sources:

(1) Barbara Lilly of the Assessors Office of the City of Niagara Falls, New York

(2) Dorothy Clark of the Assessors Office of the Town of Lewiston, New York

(3) Charles Guzzetta of the Assessors Office of the City of North Tonawanda, New York

(4) Personal observations of Special Agents of the Federal Bureau of Investigation.

There are gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations at the following premises:

The house utilized by GINO MONACO in carrying on bookmaking activity, i.e. 1120 Linwood Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York has this property listed as owned by ANTHONY DE NOFRIO.

The full description of this premises is set forth in the caption of the warrant submitted. The description was gathered from the following sources:

Barbara Lilly, the Assessors Office of the City of Niagara Falls, New York; and personal observations of Special Agents of the Federal Bureau of Investigation.

Special Agent, Federal Bureau of Investigation

Sworn to and subscribed before me this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, Joseph E. Griffin, Jr., having been duly sworn, depose and say:

I have been a Special Agent of the Federal Bureau of Investigation, assigned to the Buffalo Division of that Bureau for over four years, during which time I have been assigned to investigate gambling cases. I would estimate that I have investigated in excess of 100 gambling cases.

In the course of these investigations, I have been called upon to testify in judicial proceedings concerning and Grand Jury investigations of illegal gambling activity. In an attempt to make my investigations more meaningful, I have discussed with more experienced fellow officers, of local as well as Federal jurisdiction, the nature and operation of illegal gambling and bookmaking enterprises. I have also, from time to time, discussed with known convicted bookmakers the nature of their operation.

Based upon my experiences in gambling investigations, I can make the following observations. Conducting the business of bookmaking involves several levels of participation with the participants at each level necessarily maintaining records of their transactions with people above and below their echelon of activity. Bookmakers generally recognize that making use of telephones in interstate commerce in the conduct of their business violates Federal law. They go to great lengths not only to camouflage their bookmaking activities, but also to insulate themselves from any such use of interstate telephone calls. Such use is, at times, nonetheless necessary. Interstate and foreign telephone calls are made generally for one or both of these reasons: to "lay off" bets; to get "line information." "Laying off" bets means to place bets on the same horse or team

in a sporting event on which the bookmaker has accepted bets, so that he in effect is betting both ways. The purpose is to protect against heavy losses. "Line information" is information about the odds or point spread on a particular horse or sporting event on a given day.

I can say also that to guard against prosecution, important bookmakers commonly hire people to perform the hazardous functions of the bookmaking enterprise, such as accepting and laying off wagers. Where this is done, it is essential that there be some system for "settling up" accounts between employer and employee. That is, the proceeds of the operation collected by the employees from losing bettors must be passed on to the employers in the bookmaking operation. In some bookmaking operations, the settling up process is done on a weekly basis.

In virtually all gambling cases and bookmaking cases, as well as others involving different crimes, I have dealt with confidential informants. During the past four years, I have continuously received and used information from one particular confidential informant, whose information has proven to be extremely reliable. Information from this informant has resulted in numerous local and Federal arrests, and numerous convictions.

As long as several months ago, this above mentioned informant had advised me that Benjamin Nicoletti, Sr., of Lewiston, New York, was supervising a bookmaking operation for Stefano Magaddino of Lewiston, New York. During September, October, and November of 1968, this same informant advised me that this same operation was continuing and supplied me with the specific details of how the bookmaking operation was being conducted. The informant advised me that he had learned these details from Benjamin Nicoletti, Sr. and Peter A. Magaddino, during the same period that he was giving me the information; i.e.,

September, October, and November, 1968. The details so supplied to me by the informant are as follows:

Benjamin Nicoletti, Sr., in carrying on the bookmaking operation for Stefano Magaddino, deals directly through his son, Benjamin Nicoletti, Jr. Benjamin Nicoletti, Jr., acting on behalf of his father, Benjamin Nicoletti, Sr., employs Patsy Passero, Gino Monaco, Louis Tavano, Sam Puglese, Augie Rizzo, and Mike Farella as bookmakers. Their primary function is to accept wagers from and settle up with bettors. Benjamin Nicoletti, Jr. exericses some degree of control over these operations, normally by being accessible to them by telephone during bookmaking hours in order to solve any difficulties arising out of the bookmaking operation.

The informant advised that Benjamin Nicoletti, Jr. also engages in actual bookmaking in conjunction with the above described operation. The informant said that Benjamin Nicoletti, Jr. personally runs the sports book which involves the accepting and sometimes laying off of wagers on sporting contests as contrasted to horse races.

The same informant further advises that one of the above-named employees is designated by Benjamin Nicoletti, Jr. to lay off excess action to certain notorious bookmakers in Canada, and to accept lay-off action from them. The Canadians named by the informant are the Iannuzzellis, Ernest Reinhart, and Walter Chomski; all of whom live in the Province on Ontario.

The informant advised that during October, 1968, Benjamin Nicoletti, Jr. operated his bookmaking enterprises at Niagara Falls, New York telephone number 284-0879 (subsequently determined to be listed to Ralph Fava, 2241 South Avenue, Niagara Falls, New York), and at Niagara Falls, New York telephone number 284-8559 (subsequently determined to be listed to Ronald Appoloney, 513 15th Street, Niagara Falls, New York). Sometime during November, 1968, Benjamin Nicoletti, Jr. began to also use in connection with his bookmaking enterprise Niagara Falls, New York telephone number 285-7798

(subsequently determined to be listed to Louis Cubello, 2262 Woodlawn Avenue, Niagara Falls, New York). The informant further advised that Augie Rizzo is currently accepting wagers for Benjamin Nicoletti, Jr. in North Tonawanda, New York, and is using telephone number 694-3312 to accept betting action. (This telephone number was subsequently determined to be listed to Irene Durick, 257 Witmer Road, North Tonawanda, New York.)

The above-mentioned informant advised as follows regarding settling up in the operation. The employees named above settle up with the bettors and then with Benjamin Nicoletti, Jr. sometime prior to Tuesday of each week.

Once a week, normally on Tuesday, Benjamin Nicoletti, Jr. meets with his father to balance their books, with the son passing on to the father the percentage of the profits due the father and the percentage of profits due Stefano Magaddino. Also on Tuesday, Benjamin Nicoletti, Sr. similarly settles up with Stefano Magaddino. For purposes of this task, Benjamin Nicoletti, Sr. meets with Peter A. Magaddino, Stefano Magaddino's son, and passes on the share due Stefano Magaddino. Peter A. Magaddino then promptly delivers the proceeds to his father, Stefano Magaddino.

The same informant advised me that over the past several years, Stefano Magaddino has used the Magaddino Memorial Chapel in the informant's presence as a meeting place for the transaction of business related to illegal bookmaking, gambling, and loan-sharking activities. The business so conducted consisted of reporting on problems as they arose, and settling up of accounts. He further advised that Stefano Magaddino controls all major bookmaking and gambling activity in Niagara Falls, New York. Additionally, he advised that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Since I have been assigned to the Buffalo Office of the Federal Bureau of Investigation, I have received information from more than five confidential

informants, all of whom have given other information which proved reliable, that Stefano Magaddino controls all large scale bookmaking and gambling activity in Niagara Falls, New York. On November 22, 1968, I spoke to two informants, both of whom have given reliable information in the past, and neither of whom is the one I have referred to above. Each informant on that occasion advised me that Stefano Magaddino still controls all large scale bookmaking, gambling, and loan shark activity in Niagara Falls, New York. One of the two also confirmed that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Joseph E. Griffin, Jr.

Sworn to and subscribed before me
this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, John E. Belkota, being duly sworn, depose and say:

I am a Lieutenant in the Niagara Falls Police Department on which force I have worked for 17 years. For the past 9 years, I have participated in more than 100 investigations of bookmaking and related crimes and have participated in the arrests of more than 200 individuals on such charges. Virtually all led to convictions or pleas of guilty. During that time, I have had extensive contact with confidential informants.

For the past several years, I have received information from several informants, all of whom have given reliable information in the past leading to arrests and convictions on bookmaking charges, that Benjamin Nicoletti, Sr. runs a large bookmaking operation. Overseeing the daily activities of the operation is his son, Benjamin Nicoletti, Jr.

During September, October and November of 1968, I have received information from several of these reliable informants that Gino Monaco, Sam Puglese and Mike Farella are working as bookmakers for the Nicoletti's. Their operations consist primarily of accepting wagers by telephone, collecting from losing bettors and paying off winners. During November, 1968, one of these reliable informants advised me that Louis Tavano also is working as a bookmaker for the Nicoletti's.

The same reliable informants have also advised me during the period September, October and November of 1968, that Patsy Passero deals with Benjamin Nicoletti, Jr. in a lay off operation.

The information from the above mentioned informants has been corroborated by investigation conducted by members of my Confidential Squad. For instance, I was advised that the residences of Ralph Fava, Ronald Appoloney and an apartment above a branch post office in Niagara Falls, New York, were being used at various times as telephone rooms. Subsequent physical surveillance by detectives in my unit placed the bookmakers at these premises during prime bookmaking hours.

Prime bookmaking hours consist of those times when wagering is most heavily conducted. For horse races, this is usually 1:00 P.M. to 5:00 P.M., Monday through Saturday. For other sporting contests commonly played on weekends, the prime time is generally 1:00 P.M. to 4:00 P.M., on Saturday and Sunday.

Based upon my trust in the reliability of the above mentioned informant information, investigation which that informant stimulated, and my experience investigating gambling and bookmaking cases in Niagara Falls, New York for the past 9 years, I can state the following:

I know Gino Monaco to have an extensive bookmaking record and to be a long time associate of Benjamin Nicoletti, Jr. and Benjamin Nicoletti, Sr. in their gambling operation. It is my present opinion and firm belief that he is presently engaged in bookmaking and is working for the Nicoletti's in that operation.

I know Sam Puglese also to have a criminal record for gambling type cases and to be an associate of the Nicoletti's. He is now engaged as a bookmaker in the Nicoletti operation.

Mike Farella is also known to me to have a criminal record for gambling type cases. He also is an associate of the Nicoletti's. It is my present opinion and firm belief that he too is a bookmaker in the Nicoletti operation.

I know Patsy Passero to have a criminal record for bookmaking and other crimes. He, too, is a long time associate of the Nicoletti's. He is presently working with them in a lay off capacity.

Benjamin Nicoletti, Jr. has an extensive criminal record for gambling violations. He is engaged in bookmaking activities with the bookmakers named above and his father.

I know Benjamin Nicoletti, Sr. to have a criminal record for gambling and bookmaking violations. At the present time he is one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He runs the operation directly for Stefano Magaddino and Peter A. Magaddino.

This information regarding bookmaking operations by Benjamin Nicoletti, Sr. and Benjamin Nicoletti, Jr. over the past several years and specifically in the past three months, has included information that Benjamin Nicoletti, Sr. works for Peter A. Magaddino and that profits of the operation go in part to Peter A. Magaddino and Stefano Magaddino. The distribution of revenue is as follows: Benjamin Nicoletti, Jr. collects from the employee bookmakers. He passes money up to Benjamin Nicoletti, Sr. Benjamin Nicoletti, Sr. meets with Peter A. Magaddino and passes money to him. Peter A. Magaddino passes the money on to Stefano Magaddino, for whom he works.

The same reliable confidential informants have advised me over the past several years that Stefano Magaddino controls all major gambling and bookmaking activity in Niagara Falls, New York. This information has been confirmed as recently as the past month by an informant whose information has always proven reliable.

Sworn to and Subscribed
Before Me This 26 Day of
November, 1968

Edward J. Marshall
United States Commissioner

John E. Belkota
JOHN E. BELKOTA

AFFIDAVIT

I, James Moody, being duly sworn, depose and say:

I am presently employed by the City of Niagara Falls Police Department, Niagara Falls, Ontario, Canada, in the position of Detective in Charge of the Special Branch.

My primary duties consist of supervising and conducting investigations relating to criminal intelligence, vice, bookmaking and gambling. I have been a police officer for the City of Niagara Falls, Ontario, Canada for the past 14 years and served in my present position for the past 2½ years. I have testified on numerous occasions in the prosecution of bookmaking cases. I have participated in over 100 arrests of bookmakers and gamblers.

Ernest Albert Reinhart, Niagara Falls, Ontario, Canada Police Department Number 4122, resides at 1001 Stanley Avenue, Niagara Falls, Ontario, Canada. During the period of 1955 through 1967, this man has been convicted twice of keeping a common betting house; i.e., an establishment used for bookmaking. In 1967, he was sentenced to jail for one year and fined $4,000 for engaging in bookmaking. It is my present opinion and firm belief that this man is presently one of the largest active bookmakers in Ontario.

I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 354-0264 is subscribed to the Demitasse Gift Shop, located on Clifton Hill in Niagara Falls, Ontario, Canada.

I have determined through investigation that Reinhart, who is co-owner of the Demitasse Gift Shop, is utilizing telephone number 354-0264 in the furtherance of his bookmaking operation.

It is also a matter of public record that Ernest Reinhart is a known gambler, who associates with the gambling element in the City of Niagara Falls, Ontario. The public record I refer to is the 1964 copy of the Report of the Ontario Police Commission on Organized Crime, Page 45, wherein it is set forth that Reinhart is engaged in gambling activity.

George Zarafonitis, at the present time, resides at 1100 Center Street, Unit 11, Niagara Falls, Ontario, Canada. During the period of 1940 through 1959, this person's criminal record shows that he has been convicted on several occasions for being found in a gaming house and being a keeper of a gaming house. At the present time, it is my opinion and firm belief that George Zarafonitis is currently and extensively engaged in bookmaking activity within the Province of Ontario, Canada.

I have determined through investigation that George Zarafonitis is utilizing telephone number 356-5303 in the furtherance of his bookmaking operation. I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 356-5303 is subscribed to by George Zarafonitis, 1100 Center Street, Niagara Falls, Ontario.

I have also determined through investigation that George Zarafonitis is also utilizing telephone number 358-9064 in furtherance of his bookmaking activity. In accordance with records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, it was determined that telephone number 358-9064 is subscribed to by Van's Candy Kitchen, Niagara Falls, Ontario. George Zarafonitis is the Manager of Van's Candy Kitchen and is using that telephone for bookmaking purposes.

Walter Chomski resides at 1331 Crestdale Road, Mississauga, Ontario, Canada. This man is now using the name of Charles Watson.

I have had knowledge of Walter Chomski and that he has been extensively engaged in bookmaking activities over the past several years. It is my present opinion and firm belief that he has been actively and extensively engaged in bookmaking activities.

Albert Joseph Pitts resides at 862 Second Avenue, Niagara Falls, Ontario, Canada, and in 1959, this man was arrested for keeping a common betting house and fined $500. He is known by me to associate with gamblers and bookmakers in the City of Niagara Falls, and has made frequent trips out of town in connection with and furtherance of his gambling activity.

It is my present belief and firm opinion that Pitts is currently engaged in gambling activity.

Albert Iannuzzelli is co-owner of the Hilltop Motel, located on Clifton Hill in Niagara Falls, Ontario, Canada. He is a close associate of Ernest Reinhart and for a number of years has been involved in gambling in Niagara Falls, Ontario, Canada.

He has no criminal record, but it is a matter of public record that he is engaged in gambling activity.

I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the participation of Albert and Louis Iannuzzelli in gambling activity. In that report they are listed as Canadian backers of the Ramsey Club, a now defunct gambling club. The report also sets out that the Hilltop Motel was being utilized as a meeting place for the Iannuzzellis and Benjamin Nicoletti, Sr.

Louis Iannuzzelli, brother of Albert Iannuzzelli, is a co-owner of the Hilltop Motel, located at Clifton Hill, Niagara Falls, Ontario, Canada.

Louis Iannuzzelli is a close associate of Ernest Reinhart and for a number of years has been involved in gambling activity at Niagara Falls, Ontario, Canada.

Louis Iannuzzelli has no criminal record; however, his gambling activity is a matter of public record and I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the gambling activities of Louis Iannuzzelli.

It is my present opinion and firm belief that Albert and Louis Iannuzzelli are currently actively engaged in gambling activities.

Mrs. Elaine Marion Barker, 99 Connolly Avenue, Toronto, Ontario, Canada, has Metropolitan Toronto, Ontario Police Department Number 2282/63. The Metropolitan Toronto Police Department advises me that Mrs. Barker has been arrested for theft in 1961 and 1967. They have also advised that she is currently on bail as of November 1, 1968, on a charge of keeping a common betting house.

Bert Nero, 2379 Russell Street, Niagara Falls, Ontario, and who has Niagara Falls, Ontario Police Department Number 1815, is a convicted bookmaker. It is my present opinion and firm belief that this man is currently and actively engaged in gambling.

Ronnie Garth Masotti, 1783 Ferry Street, Niagara Falls, Ontario, is known to me as a professional gambler in the Ontario Canada and Western New York, United States area. He has Niagara Falls, Ontario Police Department Number 1608 and has a criminal record dating from 1958 through 1967. My investigation has revealed that this man's telephone number 356-1466 has been in contact with one Patsy Passero of Niagara Falls, New York. It is my present opinion and firm belief that this man is currently and actively engaged in gambling activities within the Province of Ontario and Western District of New York, United States area.

Police officials of the Hamilton Police Department, advise me that F. M. Golo is actively engaged in bookmaking.

Police officials of the Metropolitan Toronto Police Department advise me that the Executive Club, 491 Lawrence Avenue, West, Toronto, Ontario, Canada, is known as a hangout for gamblers and bookmakers.

I have caused a check of the Canadian Bell Telephone Company, Toronto, Ontario, Canada, to be made and I have determined that telephone number 789-5347 in Toronto, Ontario, Canada, is subscribed to the Executive Club. Police officials of the Metropolitan Toronto Police Department advise me that Jack Beal of Toronto, Ontario Canada is actively involved in gambling and has access to this telephone.

James Moody

James Moody

Sworn to and Subscribed
Before Me This 25 Day
of November, 1968

United States Commissioner

Cr-1968-196

Form A. O. 97 (Rev. 7-1-51)

Commissioner's Temporary Commitment

United States District Court

FOR THE

W. D. NY

Commissioner's Docket No. 68

Case No. 114

UNITED STATES OF AMERICA

v

Patsy Passero

TEMPORARY COMMITMENT
of

To: The United States Marshal of the West District of New York;

You are hereby commanded to take the custody of the above named defendant and to commit him with a certified copy of this commitment to the custodian of a place of confinement within the West District of New York approved by the Attorney General of the United States where the defendant shall be received and safely kept until discharge in due course of law. The above named defendant has been arrested but not yet fully examined by me upon the complaint of Ray Kruger, charging that on or about Sept Nov, 1968 at in the West District of New York the defendant did engage in gambling & use telephone facilities in foreign commerce

in violation of U.S.C. Title 18, Section 1952, 2 + 371.

; and he has been directed to furnish bail in the sum of Fifty Thousand dollars ($ 50,000) for his appearance before me at Buffalo in accordance with all my orders and directions relating thereto, and he has failed to do so.

Dated:

11-26, 1968.

[signature],
United States Commissioner.

RETURN

#23-h

Received this commitment and designated prisoner on NOV 26, 1968, and on NOV 26, 1968, committed him to ERIE CO JAIL, and left with the custodian at the same time a certified copy of this commitment.

Dated:

NOVEMBER 26, 1968

ALVIN GROSSMAN,
United States Marshal.

WESTERN District of NY

By Thomas Hassett,
Deputy.

Form A. O. 90 (Rev. 7-26-50)

Commissioner's Warrant of Arrest

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 111

UNITED STATES OF AMERICA

v

PATSY PASSERO

WARRANT OF ARREST

To any authorized Agent of the Federal Bureau of Investigation:[1]

You are hereby commanded to arrest PATSY PASSERO (here insert name of defendant or description), and bring him forthwith before the nearest available United States Commissioner to answer to a complaint charging him with being engaged in the business of gambling and bookmaking in violation of the laws of the State of New York, and knowingly conspiring to use and using and causing to be used telephone facilities in foreign commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said gambling and bookmaking business. (here describe offense charged in complaint)

in violation of U.S.C. Title, 18, Sections 1952, 2, and 371.

Date November 26, 1968.

Edward Maloney

United States Commissioner.

1. Here insert designation of officer to whom warrant is issued.

RETURN

Received November 26, 1968 at Buffalo, and executed by arrest of PATSY PASSERO at Niagara Falls, NY on November 26, 1968.

Dennis M. Gibbons
Name.

Special Agent, FBI
Title.

Western District of New York

Date , 19 .

By , Deputy

Form A.O. 91 (Rev.12-1-58) **Complaint**

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v

STEFANO MAGADDINO, PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR., BENJAMIN NICOLETTI, JR., GINO FRANK MONACO, SAM JOSEPH PUGLESE, MICHAEL FARELLA, AUGUSTINE RIZZO, JR. a/k/a Augie Rizzo, PATSY PASSERO, and LOUIS TAVANO.

Commissioner's Docket No. 68

Case No. 111

COMPLAINT for VIOLATION of

U.S.C. Title 18

Sections 1952, 2 and 371

BEFORE Edmund F. Maxwell, 1112 Prudential Building, Buffalo, New York
Name of Commissioner — Address of Commissioner

The undersigned complainant being duly sworn states:
during the months of September, October, and November, 1968, up to and including
That ~~on or about~~ the date of this ~~complaint~~ complaint, at Niagara Falls, New York, Lewiston, New York, North Tonawanda, New York, Tonawanda, New York, and elsewhere in the

State and Western District of New York

(1) STEFANO MAGADDINO, PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR., BENJAMIN NICOLETTI, JR., GINO FRANK MONACO, SAM JOSEPH PUGLESE, MICHAEL FARELLA, AUGUSTINE RIZZO, JR. a/k/a/ Augie Rizzo, PATSY PASSERO, and LOUIS TAVANO did (2) while engaged in the business of gambling and bookmaking in violation of the laws of the State of New York, knowingly conspire to use, use and cause to be used, telephone facilities in foreign commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said gambling and bookmaking business.

And the complainant states that this complaint is based on the attached affidavits of Special Agent Raymond C. Kruger, Special Agent Joseph E. Griffin, Jr., Detective James Moody and John E. Belkota

And the complainant further states that he believes that

are material witnesses in relation to this charge.

Raymond C. Kruger
Raymond C. Kruger, S.A., *Signature of Complainant.*
F.B.I.
Official Title.

Sworn to before me, and subscribed in my presence, Nov 26, 1968.

United States Commissioner.

(1) Insert name of accused.
(2) Insert statement of the essential facts constituting the offense charged.

AFFIDAVIT

I, Raymond C. Kruger, being duly sworn, depose and say:

I have been employed as a Special Agent of the Federal Bureau of Investigation for over 17 years, and have worked for the past five years in the Buffalo Division of the Federal Bureau of Investigation. During this period of time, I have regularly participated in investigating gambling and bookmaking matters. I have participated in investigating in excess of 50 such gambling and bookmaking cases. I have participated in numerous Grand Jury investigations of gambling and bookmaking matters.

Fellow Special Agent, Joseph E. Griffin, Jr., received certain information from an informant regarding the conduct of a bookmaking operation involving STEFANO MAGADDINO, BENJAMIN NICOLETTI, SR., PETER A. MAGADDINO, SAM PUGLESE, AUGIE RIZZO, MIKE FARELLA, LOUIS TAVANO, of the United States, the IANNUZZELLIs, ERNEST REINHART, WALTER CHOMSKI of Canada, and also involving New York telephone numbers, the subscribers of which were determined to be RALPH FAVA, LOUIS CUBELLO and RONALD APPOLONEY.

Based on this informant information received by Special Agent Joseph E. Griffin, Jr., and more fully set out in his affidavit, submitted in application for the warrant herein sought, I began an investigation which consisted of collecting available information and gathering new information relative to the information received from the proven reliable informant. In the course of this investigation, I gathered available information concerning the personal reputations and criminal records of the individuals alleged to be involved. In addition, certain physical observations which had been conducted were reviewed and certain new physical observations were commenced.

Information from the telephone company was gathered as to toll calls emanating from certain telephones. The personal observations were made by the Niagara

Falls, New York Police Department and the Federal Bureau of Investigation. Several officers of the Niagara Falls Police Department and numerous Agents of the Federal Bureau of Investigation were involved in carrying out these physical observations.

The information gathered in the course of this investigation is as follows:

PATSY PASSERO

Address: 2895 Lewiston Road, Niagara Falls, New York

PATSY PASSERO, FBI Number 2210855, identified by the informant as a bookmaker working for the NICOLETTIs, has an arrest record which dates from 1940 to 1967. He has been arrested three times for burglary, once for suspicion of robbery and one time for bookmaking. He has been convicted twice of burglary and once for bookmaking offenses. According to Lieutenant John E. Belkota, he is a long-time associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR., identified by the informant as the supervisors of their operation, and is presently associated with them in a "lay off" capacity.

Over the past six months, numerous telephone calls have emanated from the PASSERO residence during the prime bookmaking time. Many were made to Canada to known bookmaking establishments and persons connected with bookmaking and gambling. In addition to the foreign calls, there were interstate calls made to numbers commonly associated with bookmaking and gambling.

During this same period of time, calls were made from Canada, from numbers known to be connected with bookmaking activity to the telephone at the residence of PATSY PASSERO.

Personal observations during the month of November, 1968, further indicate that PATSY PASSERO is at home during the prime bookmaking hours. PASSERO's car has been spotted on occasions as recently as November, 1968, in the vicinity of the Niagara Sundry, the place

of business of MIKE FARELLA, identified by the informant as a bookmaker for the NICOLETTIs.

On one occasion, during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO, was seen meeting and talking with PATSY PASSERO. TAVANO has also been identified as a bookmaker for the NICOLETTIs.

GINO MONACO

Address: Sleepy Time Motel, 6831 Pine Avenue, Niagara Falls, New York

GINO MONACO, also known as Gino Frank Monaco, FBI Number 322281D, also identified by the informant as a bookmaker for the NICOLETTIs, has a criminal record dating from February 8, 1955 through June 12, 1967, during which time he has been charged with and convicted of gambling violations on three different occasions. Investigation revealed no present legitimate source of income for GINO MONACO. In addition to that, as can be seen more particularly from the affidavit of Lieutenant John E. Belkota, which is also submitted in connection with the warrant herein sought, MONACO is known to the Niagara Falls Police Department as a long-time associate of BENJAMIN NICOLETTI, JR., and BENJAMIN NICOLETTI, SR., in their gambling operation, and is presently believed to be personally engaged in bookmaking for the NICOLETTIs.

Personal observation of MONACO on November 15, 1968, placed him at the address of 1120 Linwood, Niagara Falls, New York, during prime bookmaking time. During the same week, his automobile was seen near the same address.

The same premises were also visited by BENJAMIN NICOLETTI, JR. during that week during prime bookmaking hours.

Personal observations as recently as during the past week indicate that MONACO visits BENJAMIN NICOLETTI, JR. at the latter's home. A physical observation on Monday night, November 18, 1968, also placed MONACO in a meeting with BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR. for at least a four-hour period at the

then closed Red Carpet Lounge. During the month of November, 1968, GINO MONACO was observed meeting with MIKE FARELLA, previously identified as one of NICOLETTI's bookmakers, at a shop known as Mario's. Mario's sells various racing forms on a daily basis.

SAM PUGLESE

Address: 177 61st Street, Niagara Falls, New York

SAM PUGLESE, FBI Number 70402G, identified by the informant as one of NICOLETTI's bookmakers, has been arrested and convicted on gambling charges in 1964 and 1967. Investigation reveals no legitimate source of income for SAM PUGLESE. Again referring to the affidavit of Lieutenant John E. Belkota, it appears therein that SAM PUGLESE is known to the Niagara Falls, New York Police Department as an active bookmaker and associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

During September, October and November, 1968, personal observations have on numerous occasions placed PUGLESE at the house of RALPH FAVA during prime bookmaking time. The telephone subscribed to by Ralph Fava was identified by the informant as used in the NICOLETTI bookmaking operation. On each of these occasions, BENJAMIN NICOLETTI, JR. was also there during said prime bookmaking time. As noted infra, FAVA's telephone has been used to contact other bookmakers.

MIKE FARELLA

Business Address: Niagara Sundry, 1216 Niagara Street, Niagara Falls, New York

MIKE FARELLA, FBI Number 804012, identified by the informant as a bookmaker for the NICOLETTIs, from 1934 to 1967, has been arrested five times and convicted four times for gambling activity. Again referring to Lieutenant John E. Belkota's affidavit, he is known as an associate of BENJAMIN NICOLETTI, JR. and BENJAMIN

NICOLETTI, SR., and is presently believed to be a bookmaker in that operation. Up to and including the present time, personal observations have revealed that the Sundry Shop is not operated under normal conditions. It was noted that its door is locked and admittance can be gained only by attracting the attention of those inside.

As noted supra, personal observation has placed MIKE FARELLA meeting with GINO MONACO, at a shop known as Mario's.

LOUIS TAVANO

Address: 5308 Elm Drive, Lewiston, New York

LOUIS C. TAVANO, identified by informant as one of the bookmakers working for the NICOLETTIs, is known to the Niagara Falls, New York Police Department as an active bookmaker. Lieutenant Belkota identifies him as working in that capacity for BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

Over the past two months numerous foreign, interstate and intrastate telephone calls have emanated from LOUIS TAVANO's residence at 5308 Elm Drive, Lewiston, New York. Telephone numbers known to be utilized by ERNEST REINHART, a notorious bookmaker in Ontario, Canada, are among those called. In addition, these same numbers in Canada are used to place calls to TAVANO in Lewiston, New York during the same period of time. Numerous additional calls were emanating during the same period from the TAVANO residence to a telephone number used by ANGELO BONITO, identified to me by the Buffalo Police Department as a known bookmaker in Buffalo, New York. During the same two-month period, numerous calls emanated from this same Buffalo telephone number to TAVANO. The telephone number used by Bonito was used to make calls to the RALPH FAVA residence in Niagara Falls, New York. RALPH FAVA's home and telephone are identified elsewhere in this affidavit and in the affidavit of Joseph E. Griffin, Jr., as used by BENJAMIN NICOLETTI, JR. in the carrying on of his bookmaking operation.

Personal observations have also placed BENJAMIN NICOLETTI, JR., BENJAMIN NICOLETTI, SR. and GINO MONACO at a meeting at TAVANO's Red Carpet Lounge, Pine Avenue, Niagara Falls, New York, on Monday, November 18, 1968. It was noted that at the time of this observation, the Red Carpet Lounge was not open for business. During the course of this same observation and at the conclusion of the meeting among the above three mentioned individuals, BENJAMIN NICOLETTI, JR. was seen to secure and lock the front door of TAVANO's restaurant and place the key in his pocket.

On one occasion during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO was seen meeting and talking with PATSY PASSERO.

AUGIE RIZZO

Address: 257 Witmer Road, North Tonawanda, New York

AUGUSTINE RIZZO, JR., identified by informant as a bookmaker for the NICOLETTIs, is also known as Augie Rizzo, and is known to Lieutenant Frank Malone, North Tonawanda, New York Police Department to be residing at 257 Witmer Road, North Tonawanda, New York with one Irene Durick. Lieutenant Malone advised on November 25, 1968 based upon informants and independent investigation that RIZZO is presently and has been for the past three months actively engaged in bookmaking. Lieutenant Malone advises that he has also determined that Rizzo is utilizing the telephone subscribed to by Irene Durick, 257 Witmer Road, North Tonawanda, New York, for bookmaking purposes.

Over the past six months, numerous telephone calls have emanated from the Durick residence during prime bookmaking time, to known bookmakers and bookmaking establishments.

RONALD APPOLONEY, RALPH FAVA and LOUIS CUBELLO are the subscribers to the telephones identified by the informant as being used in the NICOLETTI bookmaking operation.

RONALD APPOLONEY

Address: 513 15th Street, Niagara Falls, New York
Telephone: 716 284-8559

Personal observations of RONALD APPOLONEY's residence during October and November, 1968 place BENJAMIN NICOLETTI, JR. at that residence. As will be noted, infra, RONALD APPOLONEY has during the past two months, been seen to visit the residences of RALPH FAVA and BENJAMIN NICOLETTI, JR.

RALPH FAVA

Address: 2241 South Avenue, Niagara Falls, New York
Telephone: 716-284-0879
716-284-0792

Over the past six months, telephone calls have emanated from the residence of RALPH FAVA to telephone numbers in Canada associated with bookmakers and gamblers. Numerous calls over the past six months have gone from FAVA's house to a number known to be used by a bookmaker in Buffalo, New York. These calls were frequently made during prime bookmaking hours. As above-noted, in the discussion of LOUIS TAVANO, numerous telephone calls have come from a different Buffalo, New York bookmaking operation to a telephone at FAVA's residence. It is also noted that on September 13, 1968, a second and additional telephone with a separate and distinct number was installed in FAVA's home.

Extensive personal observation of the FAVA residence since September, 1968, revealed that it was very frequently visited by BENJAMIN NICOLETTI, JR. during the period of prime bookmaking time. Periodically over the past three months, FAVA's residence has also been visited by SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR.

LOUIS CUBELLO

Address: 2262 Woodlawn Avenue, Niagara Falls, New York
Telephone: 716-285-7798

In November, 1968, BENJAMIN NICOLETTI, JR. has been observed to be at LOUIS CUBELLO's residence during prime bookmaking time.

BENJAMIN NICOLETTI, JR.

Address: 2654 North Avenue, Niagara Falls, New York

BENJAMIN NICOLETTI, JR., FBI Number 80339G has been arrested five times from 1964 to 1967, for gambling offenses. He has been convicted on two of these charges, and he has gambling charges pending. Investigation has revealed no legitimate source of income for BENJAMIN NICOLETTI, JR. He is known to the Niagara Falls, New York Police Department as can be seen by the affidavit of Lieutenant John E. Belkota, as an active bookmaker.

Telephone records of BENJAMIN NICOLETTI, JR.'s home telephone indicate that at least on one occasion a call emanated therefrom to a telephone number known to be used and connected with known bookmakers and gamblers in Toronto, Ontario, Canada. As previously noted in the discussion of RALPH FAVA, BENJAMIN NICOLETTI, JR. has been frequently observed to be at FAVA's home during prime bookmaking time. FAVA's telephone, during prime bookmaking time, has been used to transmit and receive calls from and to numbers associated with foreign and New York State bookmaking interests.

As previously described, BENJAMIN NICOLETTI, JR. has been personally observed on recent occasions at the residences of LOUIS CUBELLO and RONALD APPOLONEY. Personal observations previously described have also placed BENJAMIN NICOLETTI, JR. within the past three months as meeting on numerous occasions GINO MONACO, SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR. Personal

observations have established that BENJAMIN NICOLETTI, JR. meets with BENJAMIN NICOLETTI, SR., immediately prior to the time that BENJAMIN NICOLETTI, SR. meets with PETER A. MAGADDINO. These meetings most frequently occur at the home of BENJAMIN NICOLETTI, SR. at 455 Cayuga Street, Lewiston, New York.

BENJAMIN NICOLETTI, SR.

Address: 455 Cayuga Street, Lewiston, New York
1002 Hewitt Drive, Lewiston, New York

BENJAMIN NICOLETTI, SR., FBI Number 285280, has an arrest record dating from 1930. He has been arrested once for burglary, twice for robbery and five times for gambling violations. He was convicted twice for bookmaking and gambling activity. There is currently pending before the Grand Jury of Niagara County, a gambling charge. He is known to Niagara Falls, New York Police Department, as can be seen more particularly in the affidavit of Lieutenant John E. Belkota, as one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He is further identified by Lieutenant John E. Belkota to be running the gambling operation in Niagara Falls, New York for STEFANO MAGADDINO and PETER A. MAGADDINO.

As previously mentioned, BENJAMIN NICOLETTI, SR. was observed meeting BENJAMIN NICOLETTI, JR. and GINO MONACO at LOUIS TAVANO's Red Carpet Lounge. It has also been noted above that BENJAMIN NICOLETTI, SR. has visited RALPH FAVA's residence. Numerous personal observations reveal that on or about Tuesday morning of each week, BENJAMIN NICOLETTI, SR. meets with BENJAMIN NICOLETTI, JR. Thereafter, and at approximately 2:00 p.m. of each Tuesday, BENJAMIN NICOLETTI, SR. rendezvous with PETER A. MAGADDINO. Their meetings have frequently and most recently taken place at the Your Host Restaurant on Niagara Falls Boulevard, Tonawanda, New York. On a number of these occasions, BENJAMIN NICOLETTI, SR. appeared to be passing an object to PETER A. MAGADDINO. During some of

these meetings, a nearby Special Agent of the Federal Bureau of Investigation overheard large dollar figures being discussed. On one occasion, a placemat on which BENJAMIN NICOLETTI, SR. had written, was recovered containing several numerical notations. After these meetings with PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR. was personally observed to return to one or the other of his two homes, i.e. 455 Cayuga Street, Lewiston, New York or 1002 Hewitt Drive, Lewiston, New York.

PETER MAGADDINO

Address: 1103 22nd Street, Niagara Falls, New York

PETER A. MAGADDINO is known to the Niagara Falls, New York Police Department to be working directly for his father and over BENJAMIN NICOLETTI, SR., collecting the proceeds from bookmaking operations and in turn remitting them to his father, STEFANO MAGADDINO, as can be seen by the affidavit of Lieutenant John E. Belkota.

PETER A. MAGADDINO, as previously noted, has been personally observed to meet with BENJAMIN NICOLETTI, SR. on Tuesdays and receive a package from him. Personal observations indicate that immediately thereafter PETER A. MAGADDINO returns to the Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. On at least one occasion, when it was apparent that his father, STEFANO MAGADDINO was not at the Magaddino Memorial Chapel, PETER A. MAGADDINO bypassed the Chapel and then drove to his own home, 1103 22nd Street, Niagara Falls, New York.

STEFANO MAGADDINO

Business Address: Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York

Home Address: 5118 Dana Drive, Lewiston, New York

STEFANO MAGADDINO is also known to the Niagara Falls, New York Police Department to be in control of all

major gambling and bookmaking activity in Niagara Falls, New York, as can be seen by the affidavit of Lieutenant John E. Belkota. His information concerning STEFANO MAGADDINO is in complete accord with the information and belief of the deponent.

ERNEST REINHART, WALTER CHOMSKI, ALBERT IANNUZZELLI, and his brother LOUIS IANNUZZELLI, all of whom were mentioned in the informant information referred to in Special Agent Joseph E. Griffin, Jr.'s affidavit, are known to the Canadian police to be actively engaged in bookmaking and/or gambling activity in Canada. At least one of them has been convicted on gambling charges, as can be seen by the affidavit of Detective James Moody, a Niagara Falls, Ontario Police Officer. His affidavit is also submitted in support of the issuance of this warrant.

On several occasions during the pertinent period of the investigation, PETER A. MAGADDINO was seen to drive a 1966 black Cadillac, with New York State Registration 8E 2952, to and from the weekly meetings with BENJAMIN NICOLETTI, SR.

On every occasion during the pertinent period of the investigation, BENJAMIN NICOLETTI, SR. drove a 1967 brown Cadillac, with New York State Registration 5280 NF to and from the weekly meetings with PETER A. MAGADDINO.

BENJAMIN NICOLETTI, JR. is the registered owner of a 1967 green Buick, with New York State Registration 9543 NF. He has used this automobile to go to his father's for their weekly meeting. His car has also frequently been seen at his other bookmaking establishments.

PATSY PASSERO is the registered owner of the 1965 red Dodge, with New York State Registration LO 2246. During the pertinent period of this investigation, PATSY PASSERO has used his car on a daily basis and in meeting with other NICOLETTI bookmakers.

Based on all the information above and all the information in the affidavits of Joseph E. Griffin, Jr., John E. Belkota and James Moody, I have reason to believe and do believe as follows:

1. There are gambling records and paraphernalia and evidence of gambling violations in the above-described automobiles.

2. There are gambling records, moneys, telephones, other gambling paraphernalia, and evidence of the commission of gambling violations at the following premises:

(a) Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. I have determined that the Assessor of the City of Niagara Falls, New York, carries this premises as the location of the Magaddino Funeral Home, Inc.;

(b) The home of PETER A. MAGADDINO, 1103 22nd Street, Niagara Falls, New York;

(c) The homes of BENJAMIN NICOLETTI, SR., 455 Cayuga Street, Lewiston, New York, and 1002 Hewitt Drive, Lewiston, New York;

(d) The home of BENJAMIN NICOLETTI, JR., 2654 North Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York, has this property listed as owned by MARGUERITE M. NICOLETTI;

(e) The home of PATSY PASSERO, 2895 Lewiston Road, Niagara Falls, New York;

(f) The business address of MICHAEL FARELLA, The Niagara Sundry Shop, 1216 Niagara Street, Niagara Falls, New York. This Premises is listed by the Assessor of the City of Niagara Falls, New York as owned by ANGELO and ANNA GODINO;

(g) The home of AUGIE RIZZO, 257 Witmer Road, North Tonawanda, New York. This premises is listed by the Assessor of the City of North Tonawanda, as being owned by Saj Trucking and Excavating, Inc.;

(h) The home of SAM PUGLESE, 177 61st Street, Niagara Falls, New York. This premises is listed by the Assessor of the City of Niagara Falls, New York, as owned by NICHOLAS PUGLIESE;

(i) The home of RALPH FAVA, 2241 South Avenue, Niagara Falls, New York;

(j) The home of LOUIS CUBELLO, 2262 Woodlawn Avenue, Niagara Falls, New York;

(k) The home of RONALD APPOLONEY, 513 15th Street, Niagara Falls, New York. This premises is listed by the Assessor for the City of Niagara Falls, New York, as owned by FILIPPINA PAONESSA;

(l) The home of LOUIS TAVANO, 5308 Elm Drive, Lewiston, New York; this premises is listed by the Assessor for the Town of Lewiston, New York, as owned by LEWIS TAVANO.

The full descriptions of the premises which I desire to be searched are set forth in the captions of the warrants submitted.

The information contained in those descriptions was gathered from the following sources:

(1) Barbara Lilly of the Assessors Office of the City of Niagara Falls, New York

(2) Dorothy Clark of the Assessors Office of the Town of Lewiston, New York

(3) Charles Guzzetta of the Assessors Office of the City of North Tonawanda, New York

(4) Personal observations of Special Agents of the Federal Bureau of Investigation.

There are gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations at the following premises:

The house utilized by GINO MONACO in carrying on bookmaking activity, i.e. 1120 Linwood Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York has this property listed as owned by ANTHONY DE NOFRIO.

The full description of this premises is set forth in the caption of the warrant submitted. The description was gathered from the following sources:

Barbara Lilly, the Assessors Office of the City of Niagara Falls, New York; and personal observations of Special Agents of the Federal Bureau of Investigation.

Special Agent, Federal Bureau of Investigation

Sworn to and subscribed before me this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, Joseph E. Griffin, Jr., having been duly sworn, depose and say:

I have been a Special Agent of the Federal Bureau of Investigation, assigned to the Buffalo Division of that Bureau for over four years, during which time I have been assigned to investigate gambling cases. I would estimate that I have investigated in excess of 100 gambling cases.

In the course of these investigations, I have been called upon to testify in judicial proceedings concerning and Grand Jury investigations of illegal gambling activity. In an attempt to make my investigations more meaningful, I have discussed with more experienced fellow officers, of local as well as Federal jurisdiction, the nature and operation of illegal gambling and bookmaking enterprises. I have also, from time to time, discussed with known convicted bookmakers the nature of their operation.

Based upon my experiences in gambling investigations, I can make the following observations. Conducting the business of bookmaking involves several levels of participation with the participants at each level necessarily maintaining records of their transactions with people above and below their echelon of activity. Bookmakers generally recognize that making use of telephones in interstate commerce in the conduct of their business violates Federal law. They go to great lengths not only to camouflage their bookmaking activities, but also to insulate themselves from any such use of interstate telephone calls. Such use is, at times, nonetheless necessary. Interstate and foreign telephone calls are made generally for one or both of these reasons: to "lay off" bets; to get "line information." "Laying off" bets means to place bets on the same horse or team

in a sporting event on which the bookmaker has accepted bets, so that he in effect is betting both ways. The purpose is to protect against heavy losses. "Line information" is information about the odds or point spread on a particular horse or sporting event on a given day.

I can say also that to guard against prosecution, important bookmakers commonly hire people to perform the hazardous functions of the bookmaking enterprise, such as accepting and laying off wagers. Where this is done, it is essential that there be some system for "settling up" accounts between employer and employee. That is, the proceeds of the operation collected by the employees from losing bettors must be passed on to the employers in the bookmaking operation. In some bookmaking operations, the settling up process is done on a weekly basis.

In virtually all gambling cases and bookmaking cases, as well as others involving different crimes, I have dealt with confidential informants. During the past four years, I have continuously received and used information from one particular confidential informant, whose information has proven to be extremely reliable. Information from this informant has resulted in numerous local and Federal arrests, and numerous convictions.

As long as several months ago, this above mentioned informant had advised me that Benjamin Nicoletti, Sr., of Lewiston, New York, was supervising a bookmaking operation for Stefano Magaddino of Lewiston, New York. During September, October, and November of 1968, this same informant advised me that this same operation was continuing and supplied me with the specific details of how the bookmaking operation was being conducted. The informant advised me that he had learned these details from Benjamin Nicoletti, Sr. and Peter A. Magaddino, during the same period that he was giving me the information; i.e.,

September, October, and November, 1968. The details so supplied to me by the informant are as follows:

Benjamin Nicoletti, Sr., in carrying on the bookmaking operation for Stefano Magaddino, deals directly through his son, Benjamin Nicoletti, Jr. Benjamin Nicoletti, Jr., acting on behalf of his father, Benjamin Nicoletti, Sr., employs Patsy Passero, Gino Monaco, Louis Tavano, Sam Puglese, Augie Rizzo, and Mike Farella as bookmakers. Their primary function is to accept wagers from and settle up with bettors. Benjamin Nicoletti, Jr. exericses some degree of control over these operations, normally by being accessible to them by telephone during bookmaking hours in order to solve any difficulties arising out of the bookmaking operation.

The informant advised that Benjamin Nicoletti, Jr. also engages in actual bookmaking in conjunction with the above described operation. The informant said that Benjamin Nicoletti, Jr. personally runs the sports book which involves the accepting and sometimes laying off of wagers on sporting contests as contrasted to horse races.

The same informant further advises that one of the above-named employees is designated by Benjamin Nicoletti, Jr. to lay off excess action to certain notorious bookmakers in Canada, and to accept lay-off action from them. The Canadians named by the informant are the Iannuzzellis, Ernest Reinhart, and Walter Chomski; all of whom live in the Province on Ontario.

The informant advised that during October, 1968, Benjamin Nicoletti, Jr. operated his bookmaking enterprises at Niagara Falls, New York telephone number 284-0879 (subsequently determined to be listed to Ralph Fava, 2241 South Avenue, Niagara Falls, New York), and at Niagara Falls, New York telephone number 284-8559 (subsequently determined to be listed to Ronald Appoloney, 513 15th Street, Niagara Falls, New York). Sometime during November, 1968, Benjamin Nicoletti, Jr. began to also use in connection with his bookmaking enterprise Niagara Falls, New York telephone number 285-7798

(subsequently determined to be listed to Louis Cubello, 2262 Woodlawn Avenue, Niagara Falls, New York). The informant further advised that Augie Rizzo is currently accepting wagers for Benjamin Nicoletti, Jr. in North Tonawanda, New York, and is using telephone number 694-3312 to accept betting action. (This telephone number was subsequently determined to be listed to Irene Durick, 257 Witmer Road, North Tonawanda, New York.)

The above-mentioned informant advised as follows regarding settling up in the operation. The employees named above settle up with the bettors and then with Benjamin Nicoletti, Jr. sometime prior to Tuesday of each week.

Once a week, normally on Tuesday, Benjamin Nicoletti, Jr. meets with his father to balance their books, with the son passing on to the father the percentage of the profits due the father and the percentage of profits due Stefano Magaddino. Also on Tuesday, Benjamin Nicoletti, Sr. similarly settles up with Stefano Magaddino. For purposes of this task, Benjamin Nicoletti, Sr. meets with Peter A. Magaddino, Stefano Magaddino's son, and passes on the share due Stefano Magaddino. Peter A. Magaddino then promptly delivers the proceeds to his father, Stefano Magaddino.

The same informant advised me that over the past several years, Stefano Magaddino has used the Magaddino Memorial Chapel in the informant's presence as a meeting place for the transaction of business related to illegal bookmaking, gambling, and loan-sharking activities. The business so conducted consisted of reporting on problems as they arose, and settling up of accounts. He further advised that Stefano Magaddino controls all major bookmaking and gambling activity in Niagara Falls, New York. Additionally, he advised that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Since I have been assigned to the Buffalo Office of the Federal Bureau of Investigation, I have received information from more than five confidential

informants, all of whom have given other information which proved reliable, that Stefano Magaddino controls all large scale bookmaking and gambling activity in Niagara Falls, New York. On November 22, 1968, I spoke to two informants, both of whom have given reliable information in the past, and neither of whom is the one I have referred to above. Each informant on that occasion advised me that Stefano Magaddino still controls all large scale bookmaking, gambling, and loan shark activity in Niagara Falls, New York. One of the two also confirmed that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Joseph E. Griffin, Jr.

Sworn to and subscribed before me
this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, John E. Belkota, being duly sworn, depose and say:

I am a Lieutenant in the Niagara Falls Police Department on which force I have worked for 17 years. For the past 9 years, I have participated in more than 100 investigations of bookmaking and related crimes and have participated in the arrests of more than 200 individuals on such charges. Virtually all led to convictions or pleas of guilty. During that time, I have had extensive contact with confidential informants.

For the past several years, I have received information from several informants, all of whom have given reliable information in the past leading to arrests and convictions on bookmaking charges, that Benjamin Nicoletti, Sr. runs a large bookmaking operation. Overseeing the daily activities of the operation is his son, Benjamin Nicoletti, Jr.

During September, October and November of 1968, I have received information from several of these reliable informants that Gino Monaco, Sam Puglese and Mike Farella are working as bookmakers for the Nicoletti's. Their operations consist primarily of accepting wagers by telephone, collecting from losing bettors and paying off winners. During November, 1968, one of these reliable informants advised me that Louis Tavano also is working as a bookmaker for the Nicoletti's.

The same reliable informants have also advised me during the period September, October and November of 1968, that Patsy Passero deals with Benjamin Nicoletti, Jr. in a lay off operation.

The information from the above mentioned informants has been corroborated by investigation conducted by members of my Confidential Squad. For instance, I was advised that the residences of Ralph Fava, Ronald Appoloney and an apartment above a branch post office in Niagara Falls, New York, were being used at various times as telephone rooms. Subsequent physical surveillance by detectives in my unit placed the bookmakers at these premises during prime bookmaking hours.

Prime bookmaking hours consist of those times when wagering is most heavily conducted. For horse races, this is usually 1:00 P.M. to 5:00 P.M., Monday through Saturday. For other sporting contests commonly played on weekends, the prime time is generally 1:00 P.M. to 4:00 P.M., on Saturday and Sunday.

Based upon my trust in the reliability of the above mentioned informant information, investigation which that informant stimulated, and my experience investigating gambling and bookmaking cases in Niagara Falls, New York for the past 9 years, I can state the following:

I know Gino Monaco to have an extensive bookmaking record and to be a long time associate of Benjamin Nicoletti, Jr. and Benjamin Nicoletti, Sr. in their gambling operation. It is my present opinion and firm belief that he is presently engaged in bookmaking and is working for the Nicoletti's in that operation.

I know Sam Puglese also to have a criminal record for gambling type cases and to be an associate of the Nicoletti's. He is now engaged as a bookmaker in the Nicoletti operation.

Mike Farella is also known to me to have a criminal record for gambling type cases. He also is an associate of the Nicoletti's. It is my present opinion and firm belief that he too is a bookmaker in the Nicoletti operation.

I know Patsy Passero to have a criminal record for bookmaking and other crimes. He, too, is a long time associate of the Nicoletti's. He is presently working with them in a lay off capacity.

Benjamin Nicoletti, Jr. has an extensive criminal record for gambling violations. He is engaged in bookmaking activities with the bookmakers named above and his father.

I know Benjamin Nicoletti, Sr. to have a criminal record for gambling and bookmaking violations. At the present time he is one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He runs the operation directly for Stefano Magaddino and Peter A. Magaddino.

This information regarding bookmaking operations by Benjamin Nicoletti, Sr. and Benjamin Nicoletti, Jr. over the past several years and specifically in the past three months, has included information that Benjamin Nicoletti, Sr. works for Peter A. Magaddino and that profits of the operation go in part to Peter A. Magaddino and Stefano Magaddino. The distribution of revenue is as follows: Benjamin Nicoletti, Jr. collects from the employee bookmakers. He passes money up to Benjamin Nicoletti, Sr. Benjamin Nicoletti, Sr. meets with Peter A. Magaddino and passes money to him. Peter A. Magaddino passes the money on to Stefano Magaddino, for whom he works.

The same reliable confidential informants have advised me over the past several years that Stefano Magaddino controls all major gambling and bookmaking activity in Niagara Falls, New York. This information has been confirmed as recently as the past month by an informant whose information has always proven reliable.

Sworn to and Subscribed
Before Me This 26 Day of
November, 1968

United States Commissioner

JOHN E. BELKOTA

AFFIDAVIT

I, James Moody, being duly sworn, depose and say:

I am presently employed by the City of Niagara Falls Police Department, Niagara Falls, Ontario, Canada, in the position of Detective in Charge of the Special Branch.

My primary duties consist of supervising and conducting investigations relating to criminal intelligence, vice, bookmaking and gambling. I have been a police officer for the City of Niagara Falls, Ontario, Canada for the past 14 years and served in my present position for the past 2½ years. I have testified on numerous occasions in the prosecution of bookmaking cases. I have participated in over 100 arrests of bookmakers and gamblers.

Ernest Albert Reinhart, Niagara Falls, Ontario, Canada Police Department Number 4122, resides at 1001 Stanley Avenue, Niagara Falls, Ontario, Canada. During the period of 1955 through 1967, this man has been convicted twice of keeping a common betting house; i.e., an establishment used for bookmaking. In 1967, he was sentenced to jail for one year and fined $4,000 for engaging in bookmaking. It is my present opinion and firm belief that this man is presently one of the largest active bookmakers in Ontario.

I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 354-0264 is subscribed to the Demitasse Gift Shop, located on Clifton Hill in Niagara Falls, Ontario, Canada.

I have determined through investigation that Reinhart, who is co-owner of the Demitasse Gift Shop, is utilizing telephone number 354-0264 in the furtherance of his bookmaking operation.

It is also a matter of public record that Ernest Reinhart is a known gambler, who associates with the gambling element in the City of Niagara Falls, Ontario. The public record I refer to is the 1964 copy of the Report of the Ontario Police Commission on Organized Crime, Page 45, wherein it is set forth that Reinhart is engaged in gambling activity.

George Zarafonitis, at the present time, resides at 1100 Center Street, Unit 11, Niagara Falls, Ontario, Canada. During the period of 1940 through 1959, this person's criminal record shows that he has been convicted on several occasions for being found in a gaming house and being a keeper of a gaming house. At the present time, it is my opinion and firm belief that George Zarafonitis is currently and extensively engaged in bookmaking activity within the Province of Ontario, Canada.

I have determined through investigation that George Zarafonitis is utilizing telephone number 356-5303 in the furtherance of his bookmaking operation. I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 356-5303 is subscribed to by George Zarafonitis, 1100 Center Street, Niagara Falls, Ontario.

I have also determined through investigation that George Zarafonitis is also utilizing telephone number 358-9064 in furtherance of his bookmaking activity. In accordance with records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, it was determined that telephone number 358-9064 is subscribed to by Van's Candy Kitchen, Niagara Falls, Ontario. George Zarafonitis is the Manager of Van's Candy Kitchen and is using that telephone for bookmaking purposes.

Walter Chomski resides at 1331 Crestdale Road, Mississauga, Ontario, Canada. This man is now using the name of Charles Watson.

I have had knowledge of Walter Chomski and that he has been extensively engaged in bookmaking activities over the past several years. It is my present opinion and firm belief that he has been actively and extensively engaged in bookmaking activities.

Albert Joseph Pitts resides at 862 Second Avenue, Niagara Falls, Ontario, Canada, and in 1959, this man was arrested for keeping a common betting house and fined $500. He is known by me to associate with gamblers and bookmakers in the City of Niagara Falls, and has made frequent trips out of town in connection with and furtherance of his gambling activity.

It is my present belief and firm opinion that Pitts is currently engaged in gambling activity.

Albert Iannuzzelli is co-owner of the Hilltop Motel, located on Clifton Hill in Niagara Falls, Ontario, Canada. He is a close associate of Ernest Reinhart and for a number of years has been involved in gambling in Niagara Falls, Ontario, Canada.

He has no criminal record, but it is a matter of public record that he is engaged in gambling activity.

I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the participation of Albert and Louis Iannuzzelli in gambling activity. In that report they are listed as Canadian backers of the Ramsey Club, a now defunct gambling club. The report also sets out that the Hilltop Motel was being utilized as a meeting place for the Iannuzzellis and Benjamin Nicoletti, Sr.

Louis Iannuzzelli, brother of Albert Iannuzzelli, is a co-owner of the Hilltop Motel, located at Clifton Hill, Niagara Falls, Ontario, Canada.

Louis Iannuzzelli is a close associate of Ernest Reinhart and for a number of years has been involved in gambling activity at Niagara Falls, Ontario, Canada.

Louis Iannuzzelli has no criminal record; however, his gambling activity is a matter of public record and I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the gambling activities of Louis Iannuzzelli.

It is my present opinion and firm belief that Albert and Louis Iannuzzelli are currently actively engaged in gambling activities.

Mrs. Elaine Marion Barker, 99 Connolly Avenue, Toronto, Ontario, Canada, has Metropolitan Toronto, Ontario Police Department Number 2282/63. The Metropolitan Toronto Police Department advises me that Mrs. Barker has been arrested for theft in 1961 and 1967. They have also advised that she is currently on bail as of November 1, 1968, on a charge of keeping a common betting house.

Bert Nero, 2379 Russell Street, Niagara Falls, Ontario, and who has Niagara Falls, Ontario Police Department Number 1815, is a convicted bookmaker. It is my present opinion and firm belief that this man is currently and actively engaged in gambling.

Ronnie Garth Masotti, 1783 Ferry Street, Niagara Falls, Ontario, is known to me as a professional gambler in the Ontario Canada and Western New York, United States area. He has Niagara Falls, Ontario Police Department Number 1608 and has a criminal record dating from 1958 through 1967. My investigation has revealed that this man's telephone number 356-1466 has been in contact with one Patsy Passero of Niagara Falls, New York. It is my present opinion and firm belief that this man is currently and actively engaged in gambling activities within the Province of Ontario and Western District of New York, United States area.

Police officials of the Hamilton Police Department, advise me that F. M. Golo is actively engaged in bookmaking.

Police officials of the Metropolitan Toronto Police Department advise me that the Executive Club, 491 Lawrence Avenue, West, Toronto, Ontario, Canada, is known as a hangout for gamblers and bookmakers.

I have caused a check of the Canadian Bell Telephone Company, Toronto, Ontario, Canada, to be made and I have determined that telephone number 789-5347 in Toronto, Ontario, Canada, is subscribed to the Executive Club. Police officials of the Metropolitan Toronto Police Department advise me that Jack Beal of Toronto, Ontario Canada is actively involved in gambling and has access to this telephone.

James Moody

James Moody

Sworn to and Subscribed
Before Me This 25 Day
of November, 1968

United States Commissioner

Form A. O. 97 (Rev. 7-1-51) **Commissioner's Temporary Commitment**

United States District Court

FOR THE West Dist NY

Commissioner's Docket No. 68

Case No. 114

UNITED STATES OF AMERICA

v

Augustine Rizzo Jr

TEMPORARY COMMITMENT
of

To: The United States Marshal of the Wes District of NY;

You are hereby commanded to take the custody of the above named defendant and to commit him with a certified copy of this commitment to the custodian of a place of confinement within the West District of New York approved by the Attorney General of the United States where the defendant shall be received and safely kept until discharge in due course of law. The above named defendant has been arrested but not yet fully examined by me upon the complaint of Ray Kruger, charging that on or about Sept Nov, 1968 at in the West District of NY the defendant did engage in gambling + use telephone facilities in foreign commerce

in violation of U.S.C. Title 18, Section 1952, 2+371

; and he has been directed to furnish bail in the sum of Twenty Five Thousand dollars ($25,000) for his appearance before me at Bfl in accordance with all my orders and directions relating thereto, and he has failed to do so.

Dated:

11-26, 1968.

Ed [signature]
United States Commissioner.

RETURN

Received this commitment and designated prisoner on November 26th, 1968, and on November 26th, 1968, committed him to Erie Co. Jail, and left with the custodian at the same time a certified copy of this commitment.

Dated:

November 26th, 1968.

ALVIN GROSSMAN
United States Marshal.
WESTERN District of NEW YORK

By Thomas Wassett
Deputy.

cr-1968-196

Form A. O. 90 (Rev. 7-26-50)

Commissioner's
Warrant of Arrest

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 111

UNITED STATES OF AMERICA

v

LOUIS TAVANO

WARRANT OF ARREST

To any authorized Agent of the Federal Bureau of Investigation:

You are hereby commanded to arrest LOUIS TAVANO (here insert name of defendant or description), and bring him forthwith before the nearest available United States Commissioner to answer to a complaint charging him with being engaged in the business of gambling and bookmaking in violation of the laws of the State of New York, andknowingly conspiring to use and using and causing to be used telephone facilities in foreign commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said gambling and bookmaking business.

(here describe offense charged in complaint)

in violation of U.S.C. Title, 18, Sections 1952, 2, and 371.

Date November 26, 1968.

Ed A Marsh
United States Commissioner.

1. Here insert designation of officer to whom warrant is issued.

RETURN

Received Nov. 26, 1968 at Buffalo, N.Y., and executed by arrest of Louis Tavano at Lewiston, N.Y. on Nov. 26, 1968.

R. Gordon Eddy
Name.

Special Agent, FBI
Title.

Western District of New York

Date November 26, 1968.

By ....., Deputy

23-i

Form A.O. 91 (Rev.12-1-58)

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 111

UNITED STATES OF AMERICA

v

STEFANO MAGADDINO, PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR., BENJAMIN NICOLETTI, JR., GINO FRANK MONACO, SAM JOSEPH PUGLESE, MICHAEL FARELLA, AUGUSTINE RIZZO, JR. a/k/a Augie Rizzo, PATSY PASSERO, and LOUIS TAVANO.

COMPLAINT for VIOLATION of

U.S.C. Title 18

Sections 1952, 2 and 371

BEFORE Edmund F. Maxwell, 1112 Prudential Building, Buffalo, New York

Name of Commissioner — Address of Commissioner

The undersigned complainant being duly sworn states:

That ~~on or about~~ during the months of September, October, and November, 1968, up to and including the date of this ~~complaint~~, at Niagara Falls, New York, Lewiston, New York, North Tonawanda, New York, Tonawanda, New York, and elsewhere in the

State and Western District of New York

(1) STEFANO MAGADDINO, PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR., BENJAMIN NICOLETTI, JR., GINO FRANK MONACO, SAM JOSEPH PUGLESE, MICHAEL FARELLA, AUGUSTINE RIZZO, JR. a/k/a/ Augie Rizzo, PATSY PASSERO, and LOUIS TAVANO did (2) while engaged in the business of gambling and bookmaking in violation of the laws of the State of New York, knowingly conspire to use, use and cause to be used, telephone facilities in foreign commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said gambling and bookmaking business.

And the complainant states that this complaint is based on the attached affidavits of Special Agent Raymond C. Kruger, Special Agent Joseph E. Griffin, Jr., Detective James Moody and John E. Belkota

And the complainant further states that he believes that

are material witnesses in relation to this charge.

Raymond C. Kruger

Raymond C. Kruger, S.A., Signature of Complainant

F.B.I.

Official Title

Sworn to before me, and subscribed in my presence, Nov 26, 1968

United States Commissioner

(1) Insert name of accused.
(2) Insert statement of the essential facts constituting the offense charged.

AFFIDAVIT

I, Raymond C. Kruger, being duly sworn, depose and say:

I have been employed as a Special Agent of the Federal Bureau of Investigation for over 17 years, and have worked for the past five years in the Buffalo Division of the Federal Bureau of Investigation. During this period of time, I have regularly participated in investigating gambling and bookmaking matters. I have participated in investigating in excess of 50 such gambling and bookmaking cases. I have participated in numerous Grand Jury investigations of gambling and bookmaking matters.

Fellow Special Agent, Joseph E. Griffin, Jr., received certain information from an informant regarding the conduct of a bookmaking operation involving STEFANO MAGADDINO, BENJAMIN NICOLETTI, SR., PETER A. MAGADDINO, SAM PUGLESE, AUGIE RIZZO, MIKE FARELLA, LOUIS TAVANO, of the United States, the IANNUZZELLIs, ERNEST REINHART, WALTER CHOMSKI of Canada, and also involving New York telephone numbers, the subscribers of which were determined to be RALPH FAVA, LOUIS CUBELLO and RONALD APPOLONEY.

Based on this informant information received by Special Agent Joseph E. Griffin, Jr., and more fully set out in his affidavit, submitted in application for the warrant herein sought, I began an investigation which consisted of collecting available information and gathering new information relative to the information received from the proven reliable informant. In the course of this investigation, I gathered available information concerning the personal reputations and criminal records of the individuals alleged to be involved. In addition, certain physical observations which had been conducted were reviewed and certain new physical observations were commenced.

Information from the telephone company was gathered as to toll calls emanating from certain telephones. The personal observations were made by the Niagara

Falls, New York Police Department and the Federal Bureau of Investigation. Several officers of the Niagara Falls Police Department and numerous Agents of the Federal Bureau of Investigation were involved in carrying out these physical observations.

The information gathered in the course of this investigation is as follows:

PATSY PASSERO

Address: 2895 Lewiston Road, Niagara Falls, New York

PATSY PASSERO, FBI Number 2210855, identified by the informant as a bookmaker working for the NICOLETTIs, has an arrest record which dates from 1940 to 1967. He has been arrested three times for burglary, once for suspicion of robbery and one time for bookmaking. He has been convicted twice of burglary and once for bookmaking offenses. According to Lieutenant John E. Belkota, he is a long-time associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR., identified by the informant as the supervisors of their operation, and is presently associated with them in a "lay off" capacity.

Over the past six months, numerous telephone calls have emanated from the PASSERO residence during the prime bookmaking time. Many were made to Canada to known bookmaking establishments and persons connected with bookmaking and gambling. In addition to the foreign calls, there were interstate calls made to numbers commonly associated with bookmaking and gambling.

During this same period of time, calls were made from Canada, from numbers known to be connected with bookmaking activity to the telephone at the residence of PATSY PASSERO.

Personal observations during the month of November, 1968, further indicate that PATSY PASSERO is at home during the prime bookmaking hours. PASSERO's car has been spotted on occasions as recently as November, 1968, in the vicinity of the Niagara Sundry, the place

of business of MIKE FARELLA, identified by the informant as a bookmaker for the NICOLETTIs.

On one occasion, during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO, was seen meeting and talking with PATSY PASSERO. TAVANO has also been identified as a bookmaker for the NICOLETTIs.

GINO MONACO

Address: Sleepy Time Motel, 6831 Pine Avenue, Niagara Falls, New York

GINO MONACO, also known as Gino Frank Monaco, FBI Number 322281D, also identified by the informant as a bookmaker for the NICOLETTIs, has a criminal record dating from February 8, 1955 through June 12, 1967, during which time he has been charged with and convicted of gambling violations on three different occasions. Investigation revealed no present legitimate source of income for GINO MONACO. In addition to that, as can be seen more particularly from the affidavit of Lieutenant John E. Belkota, which is also submitted in connection with the warrant herein sought, MONACO is known to the Niagara Falls Police Department as a long-time associate of BENJAMIN NICOLETTI, JR., and BENJAMIN NICOLETTI, SR., in their gambling operation, and is presently believed to be personally engaged in bookmaking for the NICOLETTIs.

Personal observation of MONACO on November 15, 1968, placed him at the address of 1120 Linwood, Niagara Falls, New York, during prime bookmaking time. During the same week, his automobile was seen near the same address.

The same premises were also visited by BENJAMIN NICOLETTI, JR. during that week during prime bookmaking hours.

Personal observations as recently as during the past week indicate that MONACO visits BENJAMIN NICOLETTI, JR. at the latter's home. A physical observation on Monday night, November 18, 1968, also placed MONACO in a meeting with BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR. for at least a four-hour period at the

then closed Red Carpet Lounge. During the month of November, 1968, GINO MONACO was observed meeting with MIKE FARELLA, previously identified as one of NICOLETTI's bookmakers, at a shop known as Mario's. Mario's sells various racing forms on a daily basis.

SAM PUGLESE

Address: 177 61st Street, Niagara Falls, New York

SAM PUGLESE, FBI Number 70402G, identified by the informant as one of NICOLETTI's bookmakers, has been arrested and convicted on gambling charges in 1964 and 1967. Investigation reveals no legitimate source of income for SAM PUGLESE. Again referring to the affidavit of Lieutenant John E. Belkota, it appears therein that SAM PUGLESE is known to the Niagara Falls, New York Police Department as an active bookmaker and associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

During September, October and November, 1968, personal observations have on numerous occasions placed PUGLESE at the house of RALPH FAVA during prime bookmaking time. The telephone subscribed to by Ralph Fava was identified by the informant as used in the NICOLETTI bookmaking operation. On each of these occasions, BENJAMIN NICOLETTI, JR. was also there during said prime bookmaking time. As noted infra, FAVA's telephone has been used to contact other bookmakers.

MIKE FARELLA

Business Address: Niagara Sundry, 1216 Niagara Street, Niagara Falls, New York

MIKE FARELLA, FBI Number 804012, identified by the informant as a bookmaker for the NICOLETTIs, from 1934 to 1967, has been arrested five times and convicted four times for gambling activity. Again referring to Lieutenant John E. Belkota's affidavit, he is known as an associate of BENJAMIN NICOLETTI, JR. and BENJAMIN

NICOLETTI, SR., and is presently believed to be a bookmaker in that operation. Up to and including the present time, personal observations have revealed that the Sundry Shop is not operated under normal conditions. It was noted that its door is locked and admittance can be gained only by attracting the attention of those inside.

As noted supra, personal observation has placed MIKE FARELLA meeting with GINO MONACO, at a shop known as Mario's.

LOUIS TAVANO

Address: 5308 Elm Drive, Lewiston, New York

LOUIS C. TAVANO, identified by informant as one of the bookmakers working for the NICOLETTIs, is known to the Niagara Falls, New York Police Department as an active bookmaker. Lieutenant Belkota identifies him as working in that capacity for BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

Over the past two months numerous foreign, interstate and intrastate telephone calls have emanated from LOUIS TAVANO's residence at 5308 Elm Drive, Lewiston, New York. Telephone numbers known to be utilized by ERNEST REINHART, a notorious bookmaker in Ontario, Canada, are among those called. In addition, these same numbers in Canada are used to place calls to TAVANO in Lewiston, New York during the same period of time. Numerous additional calls were emanating during the same period from the TAVANO residence to a telephone number used by ANGELO BONITO, identified to me by the Buffalo Police Department as a known bookmaker in Buffalo, New York. During the same two-month period, numerous calls emanated from this same Buffalo telephone number to TAVANO. The telephone number used by Bonito was used to make calls to the RALPH FAVA residence in Niagara Falls, New York. RALPH FAVA's home and telephone are identified elsewhere in this affidavit and in the affidavit of Joseph E. Griffin, Jr., as used by BENJAMIN NICOLETTI, JR. in the carrying on of his bookmaking operation.

Personal observations have also placed BENJAMIN NICOLETTI, JR., BENJAMIN NICOLETTI, SR. and GINO MONACO at a meeting at TAVANO's Red Carpet Lounge, Pine Avenue, Niagara Falls, New York, on Monday, November 18, 1968. It was noted that at the time of this observation, the Red Carpet Lounge was not open for business. During the course of this same observation and at the conclusion of the meeting among the above three mentioned individuals, BENJAMIN NICOLETTI, JR. was seen to secure and lock the front door of TAVANO's restaurant and place the key in his pocket.

On one occasion during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO was seen meeting and talking with PATSY PASSERO.

AUGIE RIZZO

Address: 257 Witmer Road, North Tonawanda, New York

AUGUSTINE RIZZO, JR., identified by informant as a bookmaker for the NICOLETTIs, is also known as Augie Rizzo, and is known to Lieutenant Frank Malone, North Tonawanda, New York Police Department to be residing at 257 Witmer Road, North Tonawanda, New York with one Irene Durick. Lieutenant Malone advised on November 25, 1968 based upon informants and independent investigation that RIZZO is presently and has been for the past three months actively engaged in bookmaking. Lieutenant Malone advises that he has also determined that Rizzo is utilizing the telephone subscribed to by Irene Durick, 257 Witmer Road, North Tonawanda, New York, for bookmaking purposes.

Over the past six months, numerous telephone calls have emanated from the Durick residence during prime bookmaking time, to known bookmakers and bookmaking establishments.

RONALD APPOLONEY, RALPH FAVA and LOUIS CUBELLO are the subscribers to the telephones identified by the informant as being used in the NICOLETTI bookmaking operation.

RONALD APPOLONEY

Address: 513 15th Street, Niagara Falls, New York
Telephone: 716 284-8559

Personal observations of RONALD APPOLONEY's residence during October and November, 1968 place BENJAMIN NICOLETTI, JR. at that residence. As will be noted, infra, RONALD APPOLONEY has during the past two months, been seen to visit the residences of RALPH FAVA and BENJAMIN NICOLETTI, JR.

RALPH FAVA

Address: 2241 South Avenue, Niagara Falls, New York
Telephone: 716-284-0879
716-284-0792

Over the past six months, telephone calls have emanated from the residence of RALPH FAVA to telephone numbers in Canada associated with bookmakers and gamblers. Numerous calls over the past six months have gone from FAVA's house to a number known to be used by a bookmaker in Buffalo, New York. These calls were frequently made during prime bookmaking hours. As above-noted, in the discussion of LOUIS TAVANO, numerous telephone calls have come from a different Buffalo, New York bookmaking operation to a telephone at FAVA's residence. It is also noted that on September 13, 1968, a second and additional telephone with a separate and distinct number was installed in FAVA's home.

Extensive personal observation of the FAVA residence since September, 1968, revealed that it was very frequently visited by BENJAMIN NICOLETTI, JR. during the period of prime bookmaking time. Periodically over the past three months, FAVA's residence has also been visited by SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR.

LOUIS CUBELLO

Address: 2262 Woodlawn Avenue, Niagara Falls, New York
Telephone: 716-285-7798

In November, 1968, BENJAMIN NICOLETTI, JR. has been observed to be at LOUIS CUBELLO's residence during prime bookmaking time.

BENJAMIN NICOLETTI, JR.

Address: 2654 North Avenue, Niagara Falls, New York

BENJAMIN NICOLETTI, JR., FBI Number 80339G has been arrested five times from 1964 to 1967, for gambling offenses. He has been convicted on two of these charges, and he has gambling charges pending. Investigation has revealed no legitimate source of income for BENJAMIN NICOLETTI, JR. He is known to the Niagara Falls, New York Police Department as can be seen by the affidavit of Lieutenant John E. Belkota, as an active bookmaker.

Telephone records of BENJAMIN NICOLETTI, JR.'s home telephone indicate that at least on one occasion a call emanated therefrom to a telephone number known to be used and connected with known bookmakers and gamblers in Toronto, Ontario, Canada. As previously noted in the discussion of RALPH FAVA, BENJAMIN NICOLETTI, JR. has been frequently observed to be at FAVA's home during prime bookmaking time. FAVA's telephone, during prime bookmaking time, has been used to transmit and receive calls from and to numbers associated with foreign and New York State bookmaking interests.

As previously described, BENJAMIN NICOLETTI, JR. has been personally observed on recent occasions at the residences of LOUIS CUBELLO and RONALD APPOLONEY. Personal observations previously described have also placed BENJAMIN NICOLETTI, JR. within the past three months as meeting on numerous occasions GINO MONACO, SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR. Personal

observations have established that BENJAMIN NICOLETTI, JR. meets with BENJAMIN NICOLETTI, SR., immediately prior to the time that BENJAMIN NICOLETTI, SR. meets with PETER A. MAGADDINO. These meetings most frequently occur at the home of BENJAMIN NICOLETTI, SR. at 455 Cayuga Street, Lewiston, New York.

BENJAMIN NICOLETTI, SR.

Address: 455 Cayuga Street, Lewiston, New York
1002 Hewitt Drive, Lewiston, New York

BENJAMIN NICOLETTI, SR., FBI Number 285280, has an arrest record dating from 1930. He has been arrested once for burglary, twice for robbery and five times for gambling violations. He was convicted twice for bookmaking and gambling activity. There is currently pending before the Grand Jury of Niagara County, a gambling charge. He is known to Niagara Falls, New York Police Department, as can be seen more particularly in the affidavit of Lieutenant John E. Belkota, as one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He is further identified by Lieutenant John E. Belkota to be running the gambling operation in Niagara Falls, New York for STEFANO MAGADDINO and PETER A. MAGADDINO.

As previously mentioned, BENJAMIN NICOLETTI, SR. was observed meeting BENJAMIN NICOLETTI, JR. and GINO MONACO at LOUIS TAVANO's Red Carpet Lounge. It has also been noted above that BENJAMIN NICOLETTI, SR. has visited RALPH FAVA's residence. Numerous personal observations reveal that on or about Tuesday morning of each week, BENJAMIN NICOLETTI, SR. meets with BENJAMIN NICOLETTI, JR. Thereafter, and at approximately 2:00 p.m. of each Tuesday, BENJAMIN NICOLETTI, SR. rendezvous with PETER A. MAGADDINO. Their meetings have frequently and most recently taken place at the Your Host Restaurant on Niagara Falls Boulevard, Tonawanda, New York. On a number of these occasions, BENJAMIN NICOLETTI, SR. appeared to be passing an object to PETER A. MAGADDINO. During some of

these meetings, a nearby Special Agent of the Federal Bureau of Investigation overheard large dollar figures being discussed. On one occasion, a placemat on which BENJAMIN NICOLETTI, SR. had written, was recovered containing several numerical notations. After these meetings with PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR. was personally observed to return to one or the other of his two homes, i.e. 455 Cayuga Street, Lewiston, New York or 1002 Hewitt Drive, Lewiston, New York.

PETER MAGADDINO

Address: 1103 22nd Street, Niagara Falls, New York

PETER A. MAGADDINO is known to the Niagara Falls, New York Police Department to be working directly for his father and over BENJAMIN NICOLETTI, SR., collecting the proceeds from bookmaking operations and in turn remitting them to his father, STEFANO MAGADDINO, as can be seen by the affidavit of Lieutenant John E. Belkota.

PETER A. MAGADDINO, as previously noted, has been personally observed to meet with BENJAMIN NICOLETTI, SR. on Tuesdays and receive a package from him. Personal observations indicate that immediately thereafter PETER A. MAGADDINO returns to the Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. On at least one occasion, when it was apparent that his father, STEFANO MAGADDINO was not at the Magaddino Memorial Chapel, PETER A. MAGADDINO bypassed the Chapel and then drove to his own home, 1103 22nd Street, Niagara Falls, New York.

STEFANO MAGADDINO

Business Address: Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York

Home Address: 5118 Dana Drive, Lewiston, New York

STEFANO MAGADDINO is also known to the Niagara Falls, New York Police Department to be in control of all

major gambling and bookmaking activity in Niagara Falls, New York, as can be seen by the affidavit of Lieutenant John E. Belkota. His information concerning STEFANO MAGADDINO is in complete accord with the information and belief of the deponent.

ERNEST REINHART, WALTER CHOMSKI, ALBERT IANNUZZELLI, and his brother LOUIS IANNUZZELLI, all of whom were mentioned in the informant information referred to in Special Agent Joseph E. Griffin, Jr.'s affidavit, are known to the Canadian police to be actively engaged in bookmaking and/or gambling activity in Canada. At least one of them has been convicted on gambling charges, as can be seen by the affidavit of Detective James Moody, a Niagara Falls, Ontario Police Officer. His affidavit is also submitted in support of the issuance of this warrant.

On several occasions during the pertinent period of the investigation, PETER A. MAGADDINO was seen to drive a 1966 black Cadillac, with New York State Registration 8E 2952, to and from the weekly meetings with BENJAMIN NICOLETTI, SR.

On every occasion during the pertinent period of the investigation, BENJAMIN NICOLETTI, SR. drove a 1967 brown Cadillac, with New York State Registration 5280 NF to and from the weekly meetings with PETER A. MAGADDINO.

BENJAMIN NICOLETTI, JR. is the registered owner of a 1967 green Buick, with New York State Registration 9543 NF. He has used this automobile to go to his father's for their weekly meeting. His car has also frequently been seen at his other bookmaking establishments.

PATSY PASSERO is the registered owner of the 1965 red Dodge, with New York State Registration LO 2246. During the pertinent period of this investigation, PATSY PASSERO has used his car on a daily basis and in meeting with other NICOLETTI bookmakers.

Based on all the information above and all the information in the affidavits of Joseph E. Griffin, Jr., John E. Belkota and James Moody, I have reason to believe and do believe as follows:

1. There are gambling records and paraphernalia and evidence of gambling violations in the above-described automobiles.

2. There are gambling records, moneys, telephones, other gambling paraphernalia, and evidence of the commission of gambling violations at the following premises:

(a) Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. I have determined that the Assessor of the City of Niagara Falls, New York, carries this premises as the location of the Magaddino Funeral Home, Inc.;

(b) The home of PETER A. MAGADDINO, 1103 22nd Street, Niagara Falls, New York;

(c) The homes of BENJAMIN NICOLETTI, SR., 455 Cayuga Street, Lewiston, New York, and 1002 Hewitt Drive, Lewiston, New York;

(d) The home of BENJAMIN NICOLETTI, JR., 2654 North Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York, has this property listed as owned by MARGUERITE M. NICOLETTI;

(e) The home of PATSY PASSERO, 2895 Lewiston Road, Niagara Falls, New York;

(f) The business address of MICHAEL FARELLA, The Niagara Sundry Shop, 1216 Niagara Street, Niagara Falls, New York. This Premises is listed by the Assessor of the City of Niagara Falls, New York as owned by ANGELO and ANNA GODINO;

(g) The home of AUGIE RIZZO, 257 Witmer Road, North Tonawanda, New York. This premises is listed by the Assessor of the City of North Tonawanda, as being owned by Saj Trucking and Excavating, Inc.;

(h) The home of SAM PUGLESE, 177 61st Street, Niagara Falls, New York. This premises is listed by the Assessor of the City of Niagara Falls, New York, as owned by NICHOLAS PUGLIESE;

(i) The home of RALPH FAVA, 2241 South Avenue, Niagara Falls, New York;

(j) The home of LOUIS CUBELLO, 2262 Woodlawn Avenue, Niagara Falls, New York;

(k) The home of RONALD APPOLONEY, 513 15th Street, Niagara Falls, New York. This premises is listed by the Assessor for the City of Niagara Falls, New York, as owned by FILIPPINA PAONESSA;

(l) The home of LOUIS TAVANO, 5308 Elm Drive, Lewiston, New York; this premises is listed by the Assessor for the Town of Lewiston, New York, as owned by LEWIS TAVANO.

The full descriptions of the premises which I desire to be searched are set forth in the captions of the warrants submitted.

The information contained in those descriptions was gathered from the following sources:

(1) Barbara Lilly of the Assessors Office of the City of Niagara Falls, New York

(2) Dorothy Clark of the Assessors Office of the Town of Lewiston, New York

(3) Charles Guzzetta of the Assessors Office of the City of North Tonawanda, New York

(4) Personal observations of Special Agents of the Federal Bureau of Investigation.

There are gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations at the following premises:

The house utilized by GINO MONACO in carrying on bookmaking activity, i.e. 1120 Linwood Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York has this property listed as owned by ANTHONY DE NOFRIO.

The full description of this premises is set forth in the caption of the warrant submitted. The description was gathered from the following sources:

Barbara Lilly, the Assessors Office of the City of Niagara Falls, New York; and personal observations of Special Agents of the Federal Bureau of Investigation.

Special Agent, Federal Bureau of Investigation

Sworn to and subscribed before me
this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, Joseph E. Griffin, Jr., having been duly sworn, depose and say:

I have been a Special Agent of the Federal Bureau of Investigation, assigned to the Buffalo Division of that Bureau for over four years, during which time I have been assigned to investigate gambling cases. I would estimate that I have investigated in excess of 100 gambling cases.

In the course of these investigations, I have been called upon to testify in judicial proceedings concerning and Grand Jury investigations of illegal gambling activity. In an attempt to make my investigations more meaningful, I have discussed with more experienced fellow officers, of local as well as Federal jurisdiction, the nature and operation of illegal gambling and bookmaking enterprises. I have also, from time to time, discussed with known convicted bookmakers the nature of their operation.

Based upon my experiences in gambling investigations, I can make the following observations. Conducting the business of bookmaking involves several levels of participation with the participants at each level necessarily maintaining records of their transactions with people above and below their echelon of activity. Bookmakers generally recognize that making use of telephones in interstate commerce in the conduct of their business violates Federal law. They go to great lengths not only to camouflage their bookmaking activities, but also to insulate themselves from any such use of interstate telephone calls. Such use is, at times, nonetheless necessary. Interstate and foreign telephone calls are made generally for one or both of these reasons: to "lay off" bets; to get "line information." "Laying off" bets means to place bets on the same horse or team

in a sporting event on which the bookmaker has accepted bets, so that he in effect is betting both ways. The purpose is to protect against heavy losses. "Line information" is information about the odds or point spread on a particular horse or sporting event on a given day.

I can say also that to guard against prosecution, important bookmakers commonly hire people to perform the hazardous functions of the bookmaking enterprise, such as accepting and laying off wagers. Where this is done, it is essential that there be some system for "settling up" accounts between employer and employee. That is, the proceeds of the operation collected by the employees from losing bettors must be passed on to the employers in the bookmaking operation. In some bookmaking operations, the settling up process is done on a weekly basis.

In virtually all gambling cases and bookmaking cases, as well as others involving different crimes, I have dealt with confidential informants. During the past four years, I have continuously received and used information from one particular confidential informant, whose information has proven to be extremely reliable. Information from this informant has resulted in numerous local and Federal arrests, and numerous convictions.

As long as several months ago, this above mentioned informant had advised me that Benjamin Nicoletti, Sr., of Lewiston, New York, was supervising a bookmaking operation for Stefano Magaddino of Lewiston, New York. During September, October, and November of 1968, this same informant advised me that this same operation was continuing and supplied me with the specific details of how the bookmaking operation was being conducted. The informant advised me that he had learned these details from Benjamin Nicoletti, Sr. and Peter A. Magaddino, during the same period that he was giving me the information; i.e.,

September, October, and November, 1968. The details so supplied to me by the informant are as follows:

Benjamin Nicoletti, Sr., in carrying on the bookmaking operation for Stefano Magaddino, deals directly through his son, Benjamin Nicoletti, Jr. Benjamin Nicoletti, Jr., acting on behalf of his father, Benjamin Nicoletti, Sr., employs Patsy Passero, Gino Monaco, Louis Tavano, Sam Puglese, Augie Rizzo, and Mike Farella as bookmakers. Their primary function is to accept wagers from and settle up with bettors. Benjamin Nicoletti, Jr. exericses some degree of control over these operations, normally by being accessible to them by telephone during bookmaking hours in order to solve any difficulties arising out of the bookmaking operation.

The informant advised that Benjamin Nicoletti, Jr. also engages in actual bookmaking in conjunction with the above described operation. The informant said that Benjamin Nicoletti, Jr. personally runs the sports book which involves the accepting and sometimes laying off of wagers on sporting contests as contrasted to horse races.

The same informant further advises that one of the above-named employees is designated by Benjamin Nicoletti, Jr. to lay off excess action to certain notorious bookmakers in Canada, and to accept lay-off action from them. The Canadians named by the informant are the Iannuzzellis, Ernest Reinhart, and Walter Chomski; all of whom live in the Province on Ontario.

The informant advised that during October, 1968, Benjamin Nicoletti, Jr. operated his bookmaking enterprises at Niagara Falls, New York telephone number 284-0879 (subsequently determined to be listed to Ralph Fava, 2241 South Avenue, Niagara Falls, New York), and at Niagara Falls, New York telephone number 284-8559 (subsequently determined to be listed to Ronald Appoloney, 513 15th Street, Niagara Falls, New York). Sometime during November, 1968, Benjamin Nicoletti, Jr. began to also use in connection with his bookmaking enterprise Niagara Falls, New York telephone number 285-7798

(subsequently determined to be listed to Louis Cubello, 2262 Woodlawn Avenue, Niagara Falls, New York). The informant further advised that Augie Rizzo is currently accepting wagers for Benjamin Nicoletti, Jr. in North Tonawanda, New York, and is using telephone number 694-3312 to accept betting action. (This telephone number was subsequently determined to be listed to Irene Durick, 257 Witmer Road, North Tonawanda, New York.)

The above-mentioned informant advised as follows regarding settling up in the operation. The employees named above settle up with the bettors and then with Benjamin Nicoletti, Jr. sometime prior to Tuesday of each week.

Once a week, normally on Tuesday, Benjamin Nicoletti, Jr. meets with his father to balance their books, with the son passing on to the father the percentage of the profits due the father and the percentage of profits due Stefano Magaddino. Also on Tuesday, Benjamin Nicoletti, Sr. similarly settles up with Stefano Magaddino. For purposes of this task, Benjamin Nicoletti, Sr. meets with Peter A. Magaddino, Stefano Magaddino's son, and passes on the share due Stefano Magaddino. Peter A. Magaddino then promptly delivers the proceeds to his father, Stefano Magaddino.

The same informant advised me that over the past several years, Stefano Magaddino has used the Magaddino Memorial Chapel in the informant's presence as a meeting place for the transaction of business related to illegal bookmaking, gambling, and loan-sharking activities. The business so conducted consisted of reporting on problems as they arose, and settling up of accounts. He further advised that Stefano Magaddino controls all major bookmaking and gambling activity in Niagara Falls, New York. Additionally, he advised that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Since I have been assigned to the Buffalo Office of the Federal Bureau of Investigation, I have received information from more than five confidential

informants, all of whom have given other information which proved reliable, that Stefano Magaddino controls all large scale bookmaking and gambling activity in Niagara Falls, New York. On November 22, 1968, I spoke to two informants, both of whom have given reliable information in the past, and neither of whom is the one I have referred to above. Each informant on that occasion advised me that Stefano Magaddino still controls all large scale bookmaking, gambling, and loan shark activity in Niagara Falls, New York. One of the two also confirmed that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Joseph E. Griffin, Jr.

Sworn to and subscribed before me
this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, John E. Belkota, being duly sworn, depose and say:

I am a Lieutenant in the Niagara Falls Police Department on which force I have worked for 17 years. For the past 9 years, I have participated in more than 100 investigations of bookmaking and related crimes and have participated in the arrests of more than 200 individuals on such charges. Virtually all led to convictions or pleas of guilty. During that time, I have had extensive contact with confidential informants.

For the past several years, I have received information from several informants, all of whom have given reliable information in the past leading to arrests and convictions on bookmaking charges, that Benjamin Nicoletti, Sr. runs a large bookmaking operation. Overseeing the daily activities of the operation is his son, Benjamin Nicoletti, Jr.

During September, October and November of 1968, I have received information from several of these reliable informants that Gino Monaco, Sam Puglese and Mike Farella are working as bookmakers for the Nicoletti's. Their operations consist primarily of accepting wagers by telephone, collecting from losing bettors and paying off winners. During November, 1968, one of these reliable informants advised me that Louis Tavano also is working as a bookmaker for the Nicoletti's.

The same reliable informants have also advised me during the period September, October and November of 1968, that Patsy Passero deals with Benjamin Nicoletti, Jr. in a lay off operation.

The information from the above mentioned informants has been corroborated by investigation conducted by members of my Confidential Squad. For instance, I was advised that the residences of Ralph Fava, Ronald Appoloney and an apartment above a branch post office in Niagara Falls, New York, were being used at various times as telephone rooms. Subsequent physical surveillance by detectives in my unit placed the bookmakers at these premises during prime bookmaking hours.

Prime bookmaking hours consist of those times when wagering is most heavily conducted. For horse races, this is usually 1:00 P.M. to 5:00 P.M., Monday through Saturday. For other sporting contests commonly played on weekends, the prime time is generally 1:00 P.M. to 4:00 P.M., on Saturday and Sunday.

Based upon my trust in the reliability of the above mentioned informant information, investigation which that informant stimulated, and my experience investigating gambling and bookmaking cases in Niagara Falls, New York for the past 9 years, I can state the following:

I know Gino Monaco to have an extensive bookmaking record and to be a long time associate of Benjamin Nicoletti, Jr. and Benjamin Nicoletti, Sr. in their gambling operation. It is my present opinion and firm belief that he is presently engaged in bookmaking and is working for the Nicoletti's in that operation.

I know Sam Puglese also to have a criminal record for gambling type cases and to be an associate of the Nicoletti's. He is now engaged as a bookmaker in the Nicoletti operation.

Mike Farella is also known to me to have a criminal record for gambling type cases. He also is an associate of the Nicoletti's. It is my present opinion and firm belief that he too is a bookmaker in the Nicoletti operation.

I know Patsy Passero to have a criminal record for bookmaking and other crimes. He, too, is a long time associate of the Nicoletti's. He is presently working with them in a lay off capacity.

Benjamin Nicoletti, Jr. has an extensive criminal record for gambling violations. He is engaged in bookmaking activities with the bookmakers named above and his father.

I know Benjamin Nicoletti, Sr. to have a criminal record for gambling and bookmaking violations. At the present time he is one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He runs the operation directly for Stefano Magaddino and Peter A. Magaddino.

This information regarding bookmaking operations by Benjamin Nicoletti, Sr. and Benjamin Nicoletti, Jr. over the past several years and specifically in the past three months, has included information that Benjamin Nicoletti, Sr. works for Peter A. Magaddino and that profits of the operation go in part to Peter A. Magaddino and Stefano Magaddino. The distribution of revenue is as follows: Benjamin Nicoletti, Jr. collects from the employee bookmakers. He passes money up to Benjamin Nicoletti, Sr. Benjamin Nicoletti, Sr. meets with Peter A. Magaddino and passes money to him. Peter A. Magaddino passes the money on to Stefano Magaddino, for whom he works.

The same reliable confidential informants have advised me over the past several years that Stefano Magaddino controls all major gambling and bookmaking activity in Niagara Falls, New York. This information has been confirmed as recently as the past month by an informant whose information has always proven reliable.

Sworn to and Subscribed
Before Me This 26 Day of
November, 1968

United States Commissioner

John E. Belkota
JOHN E. BELKOTA

AFFIDAVIT

I, James Moody, being duly sworn, depose and say:

I am presently employed by the City of Niagara Falls Police Department, Niagara Falls, Ontario, Canada, in the position of Detective in Charge of the Special Branch.

My primary duties consist of supervising and conducting investigations relating to criminal intelligence, vice, bookmaking and gambling. I have been a police officer for the City of Niagara Falls, Ontario, Canada for the past 14 years and served in my present position for the past 2½ years. I have testified on numerous occasions in the prosecution of bookmaking cases. I have participated in over 100 arrests of bookmakers and gamblers.

Ernest Albert Reinhart, Niagara Falls, Ontario, Canada Police Department Number 4122, resides at 1001 Stanley Avenue, Niagara Falls, Ontario, Canada. During the period of 1955 through 1967, this man has been convicted twice of keeping a common betting house; i.e., an establishment used for bookmaking. In 1967, he was sentenced to jail for one year and fined $4,000 for engaging in bookmaking. It is my present opinion and firm belief that this man is presently one of the largest active bookmakers in Ontario.

I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 354-0264 is subscribed to the Demitasse Gift Shop, located on Clifton Hill in Niagara Falls, Ontario, Canada.

I have determined through investigation that Reinhart, who is co-owner of the Demitasse Gift Shop, is utilizing telephone number 354-0264 in the furtherance of his bookmaking operation.

It is also a matter of public record that Ernest Reinhart is a known gambler, who associates with the gambling element in the City of Niagara Falls, Ontario. The public record I refer to is the 1964 copy of the Report of the Ontario Police Commission on Organized Crime, Page 45, wherein it is set forth that Reinhart is engaged in gambling activity.

George Zarafonitis, at the present time, resides at 1100 Center Street, Unit 11, Niagara Falls, Ontario, Canada. During the period of 1940 through 1959, this person's criminal record shows that he has been convicted on several occasions for being found in a gaming house and being a keeper of a gaming house. At the present time, it is my opinion and firm belief that George Zarafonitis is currently and extensively engaged in bookmaking activity within the Province of Ontario, Canada.

I have determined through investigation that George Zarafonitis is utilizing telephone number 356-5303 in the furtherance of his bookmaking operation. I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 356-5303 is subscribed to by George Zarafonitis, 1100 Center Street, Niagara Falls, Ontario.

I have also determined through investigation that George Zarafonitis is also utilizing telephone number 358-9064 in furtherance of his bookmaking activity. In accordance with records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, it was determined that telephone number 358-9064 is subscribed to by Van's Candy Kitchen, Niagara Falls, Ontario. George Zarafonitis is the Manager of Van's Candy Kitchen and is using that telephone for bookmaking purposes.

Walter Chomski resides at 1331 Crestdale Road, Mississauga, Ontario, Canada. This man is now using the name of Charles Watson.

I have had knowledge of Walter Chomski and that he has been extensively engaged in bookmaking activities over the past several years. It is my present opinion and firm belief that he has been actively and extensively engaged in bookmaking activities.

Albert Joseph Pitts resides at 862 Second Avenue, Niagara Falls, Ontario, Canada, and in 1959, this man was arrested for keeping a common betting house and fined $500. He is known by me to associate with gamblers and bookmakers in the City of Niagara Falls, and has made frequent trips out of town in connection with and furtherance of his gambling activity.

It is my present belief and firm opinion that Pitts is currently engaged in gambling activity.

Albert Iannuzzelli is co-owner of the Hilltop Motel, located on Clifton Hill in Niagara Falls, Ontario, Canada. He is a close associate of Ernest Reinhart and for a number of years has been involved in gambling in Niagara Falls, Ontario, Canada.

He has no criminal record, but it is a matter of public record that he is engaged in gambling activity.

I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the participation of Albert and Louis Iannuzzelli in gambling activity. In that report they are listed as Canadian backers of the Ramsey Club, a now defunct gambling club. The report also sets out that the Hilltop Motel was being utilized as a meeting place for the Iannuzzellis and Benjamin Nicoletti, Sr.

Louis Iannuzzelli, brother of Albert Iannuzzelli, is a co-owner of the Hilltop Motel, located at Clifton Hill, Niagara Falls, Ontario, Canada.

Louis Iannuzzelli is a close associate of Ernest Reinhart and for a number of years has been involved in gambling activity at Niagara Falls, Ontario, Canada.

Louis Iannuzzelli has no criminal record; however, his gambling activity is a matter of public record and I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the gambling activities of Louis Iannuzzelli.

It is my present opinion and firm belief that Albert and Louis Iannuzzelli are currently actively engaged in gambling activities.

Mrs. Elaine Marion Barker, 99 Connolly Avenue, Toronto, Ontario, Canada, has Metropolitan Toronto, Ontario Police Department Number 2282/63. The Metropolitan Toronto Police Department advises me that Mrs. Barker has been arrested for theft in 1961 and 1967. They have also advised that she is currently on bail as of November 1, 1968, on a charge of keeping a common betting house.

Bert Nero, 2379 Russell Street, Niagara Falls, Ontario, and who has Niagara Falls, Ontario Police Department Number 1815, is a convicted bookmaker. It is my present opinion and firm belief that this man is currently and actively engaged in gambling.

Ronnie Garth Masotti, 1783 Ferry Street, Niagara Falls, Ontario, is known to me as a professional gambler in the Ontario Canada and Western New York, United States area. He has Niagara Falls, Ontario Police Department Number 1608 and has a criminal record dating from 1958 through 1967. My investigation has revealed that this man's telephone number 356-1466 has been in contact with one Patsy Passero of Niagara Falls, New York. It is my present opinion and firm belief that this man is currently and actively engaged in gambling activities within the Province of Ontario and Western District of New York, United States area.

Police officials of the Hamilton Police Department, advise me that F. M. Golo is actively engaged in bookmaking.

Police officials of the Metropolitan Toronto Police Department advise me that the Executive Club, 491 Lawrence Avenue, West, Toronto, Ontario, Canada, is known as a hangout for gamblers and bookmakers.

I have caused a check of the Canadian Bell Telephone Company, Toronto, Ontario, Canada, to be made and I have determined that telephone number 789-5347 in Toronto, Ontario, Canada, is subscribed to the Executive Club. Police officials of the Metropolitan Toronto Police Department advise me that Jack Beal of Toronto, Ontario Canada is actively involved in gambling and has access to this telephone.

James Moody

James Moody

Sworn to and Subscribed
Before Me This 21 Day
of November, 1968

United States Commissioner

Cr-1968-196

Form A. O. 97 (Rev. 7-1-51)

Commissioner's Temporary Commitment

United States District Court

FOR THE

W. D. N.Y.

Commissioner's Docket No. 68

Case No. 111

UNITED STATES OF AMERICA

v

San Puglese

TEMPORARY COMMITMENT
of

To: The United States Marshal of the West District of N.Y.;

You are hereby commanded to take the custody of the above named defendant and to commit him with a certified copy of this commitment to the custodian of a place of confinement within the W. District of N.Y. approved by the Attorney General of the United States where the defendant shall be received and safely kept until discharge in due course of law. The above named defendant has been arrested but not yet fully examined by me upon the complaint of Ray Kruger, charging that on or about Sept Nov, 1968 at in the West District of N.Y. the defendant did engage in gambling and use telephone facilities in foreign commerce

in violation of U.S.C. Title 18, Section 1952, 2 + 371

; and he has been directed to furnish bail in the sum of Twenty Five Thousand dollars ($ 25,000.00) for his appearance before me at Buffalo in accordance with all my orders and directions relating thereto, and he has failed to do so.

Dated:

11-26, 1968.

[signature],
United States Commissioner.

RETURN

Received this commitment and designated prisoner on November 26th, 1968, and on November 26th, 1968, committed him to Erie Co. Jail, and left with the custodian at the same time a certified copy of this commitment.

#23-e

Dated:

November 26th, 1968.

ALVIN GROSSMAN,
United States Marshal.

WESTERN District of NEW YORK

By Thomas Massett,
Deputy.

Form A. O. 90 (Rev. 7-26-50)

Commissioner's Warrant of Arrest

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

Commissioner's Docket No. 68

Case No. 111

UNITED STATES OF AMERICA

v

SAM JOSEPH PUGLESE

WARRANT OF ARREST

To any authorized Agent of the Federal Bureau of Investigation:[1]

You are hereby commanded to arrest SAM JOSEPH PUGLESE (here insert name of defendant or description), and bring him forthwith before the nearest available United States Commissioner to answer to a complaint charging him with being engaged in the business of gambling and bookmaking in violation (here describe offense charged in complaint) of the laws of the State of New York, and knowingly conspiring to use and using and causing to be used telephone facilities in foreign commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said gambling and bookmaking business.

in violation of U.S.C. Title, 18, Sections 1952, 2, and 371.

Date November 26, 1968.

Ed A Mangel

United States Commissioner.

1. Here insert designation of officer to whom warrant is issued.

RETURN

Received Nov. 26, 1968 at Buffalo, NY, and executed by arrest of Sam Puglese at Niagara Falls, NY on Nov. 26, 1968

Richard F. Schalley, Name.

Special Agent FBI, Title.

Western District of N.Y.

Date , 19 .

By ....., Deputy

Form A.O. 91 (Rev.12-1-58) Complaint

United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v

STEFANO MAGADDINO, PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR., BENJAMIN NICOLETTI, JR., GINO FRANK MONACO, SAM JOSEPH PUGLESE, MICHAEL FARELLA, AUGUSTINE RIZZO, JR. a/k/a Augie Rizzo, PATSY PASSERO, and LOUIS TAVANO.

Commissioner's Docket No. 68

Case No. 111

COMPLAINT for VIOLATION of

U.S.C. Title 18

Sections 1952, 2 and 371

BEFORE Edmund F. Maxwell, (Name of Commissioner), 1112 Prudential Building, Buffalo, New York (Address of Commissioner),

The undersigned complainant being duly sworn states:
during the months of September, October, and November, 1968, up to and including
That ~~on or about~~ the date of this ~~complaint~~ complaint, at Niagara Falls, New York, Lewiston, New York, North Tonawanda, New York, Tonawanda, New York, and elsewhere in the

State and Western District of New York

(1) STEFANO MAGADDINO, PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR., BENJAMIN NICOLETTI, JR., GINO FRANK MONACO, SAM JOSEPH PUGLESE, MICHAEL FARELLA, AUGUSTINE RIZZO, JR. a/k/a/ Augie Rizzo, PATSY PASSERO, and LOUIS TAVANO did(2) while engaged in the business of gambling and bookmaking in violation of the laws of the State of New York, knowingly conspire to use, use and cause to be used, telephone facilities in foreign commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said gambling and bookmaking business.

And the complainant states that this complaint is based on the attached affidavits of Special Agent Raymond C. Kruger, Special Agent Joseph E. Griffin, Jr., Detective James Moody and John E. Belkota

And the complainant further states that he believes that

are material witnesses in relation to this charge.

Raymond C. Kruger
Raymond C. Kruger, S.A., *Signature of Complainant.*
F.B.I.
Official Title.

Sworn to before me, and subscribed in my presence, Nov 26, 1968

Ed F Maxwell
United States Commissioner.

(1) Insert name of accused.
(2) Insert statement of the essential facts constituting the offense charged.

AFFIDAVIT

I, Raymond C. Kruger, being duly sworn, depose and say:

I have been employed as a Special Agent of the Federal Bureau of Investigation for over 17 years, and have worked for the past five years in the Buffalo Division of the Federal Bureau of Investigation. During this period of time, I have regularly participated in investigating gambling and bookmaking matters. I have participated in investigating in excess of 50 such gambling and bookmaking cases. I have participated in numerous Grand Jury investigations of gambling and bookmaking matters.

Fellow Special Agent, Joseph E. Griffin, Jr., received certain information from an informant regarding the conduct of a bookmaking operation involving STEFANO MAGADDINO, BENJAMIN NICOLETTI, SR., PETER A. MAGADDINO, SAM PUGLESE, AUGIE RIZZO, MIKE FARELLA, LOUIS TAVANO, of the United States, the IANNUZZELLIs, ERNEST REINHART, WALTER CHOMSKI of Canada, and also involving New York telephone numbers, the subscribers of which were determined to be RALPH FAVA, LOUIS CUBELLO and RONALD APPOLONEY.

Based on this informant information received by Special Agent Joseph E. Griffin, Jr., and more fully set out in his affidavit, submitted in application for the warrant herein sought, I began an investigation which consisted of collecting available information and gathering new information relative to the information received from the proven reliable informant. In the course of this investigation, I gathered available information concerning the personal reputations and criminal records of the individuals alleged to be involved. In addition, certain physical observations which had been conducted were reviewed and certain new physical observations were commenced.

Information from the telephone company was gathered as to toll calls emanating from certain telephones. The personal observations were made by the Niagara

Falls, New York Police Department and the Federal Bureau of Investigation. Several officers of the Niagara Falls Police Department and numerous Agents of the Federal Bureau of Investigation were involved in carrying out these physical observations.

The information gathered in the course of this investigation is as follows:

PATSY PASSERO

Address: 2895 Lewiston Road, Niagara Falls, New York

PATSY PASSERO, FBI Number 2210855, identified by the informant as a bookmaker working for the NICOLETTIs, has an arrest record which dates from 1940 to 1967. He has been arrested three times for burglary, once for suspicion of robbery and one time for bookmaking. He has been convicted twice of burglary and once for bookmaking offenses. According to Lieutenant John E. Belkota, he is a long-time associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR., identified by the informant as the supervisors of their operation, and is presently associated with them in a "lay off" capacity.

Over the past six months, numerous telephone calls have emanated from the PASSERO residence during the prime bookmaking time. Many were made to Canada to known bookmaking establishments and persons connected with bookmaking and gambling. In addition to the foreign calls, there were interstate calls made to numbers commonly associated with bookmaking and gambling.

During this same period of time, calls were made from Canada, from numbers known to be connected with bookmaking activity to the telephone at the residence of PATSY PASSERO.

Personal observations during the month of November, 1968, further indicate that PATSY PASSERO is at home during the prime bookmaking hours. PASSERO's car has been spotted on occasions as recently as November, 1968, in the vicinity of the Niagara Sundry, the place

of business of MIKE FARELLA, identified by the informant as a bookmaker for the NICOLETTIs.

On one occasion, during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO, was seen meeting and talking with PATSY PASSERO. TAVANO has also been identified as a bookmaker for the NICOLETTIs.

GINO MONACO

Address: Sleepy Time Motel, 6831 Pine Avenue, Niagara Falls, New York

GINO MONACO, also known as Gino Frank Monaco, FBI Number 322281D, also identified by the informant as a bookmaker for the NICOLETTIs, has a criminal record dating from February 8, 1955 through June 12, 1967, during which time he has been charged with and convicted of gambling violations on three different occasions. Investigation revealed no present legitimate source of income for GINO MONACO. In addition to that, as can be seen more particularly from the affidavit of Lieutenant John E. Belkota, which is also submitted in connection with the warrant herein sought, MONACO is known to the Niagara Falls Police Department as a long-time associate of BENJAMIN NICOLETTI, JR., and BENJAMIN NICOLETTI, SR., in their gambling operation, and is presently believed to be personally engaged in bookmaking for the NICOLETTIs.

Personal observation of MONACO on November 15, 1968, placed him at the address of 1120 Linwood, Niagara Falls, New York, during prime bookmaking time. During the same week, his automobile was seen near the same address.

The same premises were also visited by BENJAMIN NICOLETTI, JR. during that week during prime bookmaking hours.

Personal observations as recently as during the past week indicate that MONACO visits BENJAMIN NICOLETTI, JR. at the latter's home. A physical observation on Monday night, November 18, 1968, also placed MONACO in a meeting with BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR. for at least a four-hour period at the

then closed Red Carpet Lounge. During the month of November, 1968, GINO MONACO was observed meeting with MIKE FARELLA, previously identified as one of NICOLETTI's bookmakers, at a shop known as Mario's. Mario's sells various racing forms on a daily basis.

SAM PUGLESE

Address: 177 61st Street, Niagara Falls, New York

SAM PUGLESE, FBI Number 70402G, identified by the informant as one of NICOLETTI's bookmakers, has been arrested and convicted on gambling charges in 1964 and 1967. Investigation reveals no legitimate source of income for SAM PUGLESE. Again referring to the affidavit of Lieutenant John E. Belkota, it appears therein that SAM PUGLESE is known to the Niagara Falls, New York Police Department as an active bookmaker and associate of BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

During September, October and November, 1968, personal observations have on numerous occasions placed PUGLESE at the house of RALPH FAVA during prime bookmaking time. The telephone subscribed to by Ralph Fava was identified by the informant as used in the NICOLETTI bookmaking operation. On each of these occasions, BENJAMIN NICOLETTI, JR. was also there during said prime bookmaking time. As noted infra, FAVA's telephone has been used to contact other bookmakers.

MIKE FARELLA

Business Address: Niagara Sundry, 1216 Niagara Street, Niagara Falls, New York

MIKE FARELLA, FBI Number 804012, identified by the informant as a bookmaker for the NICOLETTIs, from 1934 to 1967, has been arrested five times.and convicted four times for gambling activity. Again referring to Lieutenant John E. Belkota's affidavit, he is known as an associate of BENJAMIN NICOLETTI, JR. and BENJAMIN

NICOLETTI, SR., and is presently believed to be a bookmaker in that operation. Up to and including the present time, personal observations have revealed that the Sundry Shop is not operated under normal conditions. It was noted that its door is locked and admittance can be gained only by attracting the attention of those inside.

As noted supra, personal observation has placed MIKE FARELLA meeting with GINO MONACO, at a shop known as Mario's.

LOUIS TAVANO

Address: 5308 Elm Drive, Lewiston, New York

LOUIS C. TAVANO, identified by informant as one of the bookmakers working for the NICOLETTIs, is known to the Niagara Falls, New York Police Department as an active bookmaker. Lieutenant Belkota identifies him as working in that capacity for BENJAMIN NICOLETTI, JR. and BENJAMIN NICOLETTI, SR.

Over the past two months numerous foreign, interstate and intrastate telephone calls have emanated from LOUIS TAVANO's residence at 5308 Elm Drive, Lewiston, New York. Telephone numbers known to be utilized by ERNEST REINHART, a notorious bookmaker in Ontario, Canada, are among those called. In addition, these same numbers in Canada are used to place calls to TAVANO in Lewiston, New York during the same period of time. Numerous additional calls were emanating during the same period from the TAVANO residence to a telephone number used by ANGELO BONITO, identified to me by the Buffalo Police Department as a known bookmaker in Buffalo, New York. During the same two-month period, numerous calls emanated from this same Buffalo telephone number to TAVANO. The telephone number used by Bonito was used to make calls to the RALPH FAVA residence in Niagara Falls, New York. RALPH FAVA's home and telephone are identified elsewhere in this affidavit and in the affidavit of Joseph E. Griffin, Jr., as used by BENJAMIN NICOLETTI, JR. in the carrying on of his bookmaking operation.

Personal observations have also placed BENJAMIN NICOLETTI, JR., BENJAMIN NICOLETTI, SR. and GINO MONACO at a meeting at TAVANO's Red Carpet Lounge, Pine Avenue, Niagara Falls, New York, on Monday, November 18, 1968. It was noted that at the time of this observation, the Red Carpet Lounge was not open for business. During the course of this same observation and at the conclusion of the meeting among the above three mentioned individuals, BENJAMIN NICOLETTI, JR. was seen to secure and lock the front door of TAVANO's restaurant and place the key in his pocket.

On one occasion during November, 1968, a person seen operating TAVANO's car and believed to be TAVANO was seen meeting and talking with PATSY PASSERO.

AUGIE RIZZO

Address: 257 Witmer Road, North Tonawanda, New York

AUGUSTINE RIZZO, JR., identified by informant as a bookmaker for the NICOLETTIs, is also known as Augie Rizzo, and is known to Lieutenant Frank Malone, North Tonawanda, New York Police Department to be residing at 257 Witmer Road, North Tonawanda, New York with one Irene Durick. Lieutenant Malone advised on November 25, 1968 based upon informants and independent investigation that RIZZO is presently and has been for the past three months actively engaged in bookmaking. Lieutenant Malone advises that he has also determined that Rizzo is utilizing the telephone subscribed to by Irene Durick, 257 Witmer Road, North Tonawanda, New York, for bookmaking purposes.

Over the past six months, numerous telephone calls have emanated from the Durick residence during prime bookmaking time, to known bookmakers and bookmaking establishments.

RONALD APPOLONEY, RALPH FAVA and LOUIS CUBELLO are the subscribers to the telephones identified by the informant as being used in the NICOLETTI bookmaking operation.

RONALD APPOLONEY

Address: 513 15th Street, Niagara Falls, New York
Telephone: 716 284-8559

Personal observations of RONALD APPOLONEY's residence during October and November, 1968 place BENJAMIN NICOLETTI, JR. at that residence. As will be noted, infra, RONALD APPOLONEY has during the past two months, been seen to visit the residences of RALPH FAVA and BENJAMIN NICOLETTI, JR.

RALPH FAVA

Address: 2241 South Avenue, Niagara Falls, New York
Telephone: 716-284-0879
716-284-0792

Over the past six months, telephone calls have emanated from the residence of RALPH FAVA to telephone numbers in Canada associated with bookmakers and gamblers. Numerous calls over the past six months have gone from FAVA's house to a number known to be used by a bookmaker in Buffalo, New York. These calls were frequently made during prime bookmaking hours. As above-noted, in the discussion of LOUIS TAVANO, numerous telephone calls have come from a different Buffalo, New York bookmaking operation to a telephone at FAVA's residence. It is also noted that on September 13, 1968, a second and additional telephone with a separate and distinct number was installed in FAVA's home.

Extensive personal observation of the FAVA residence since September, 1968, revealed that it was very frequently visited by BENJAMIN NICOLETTI, JR. during the period of prime bookmaking time. Periodically over the past three months, FAVA's residence has also been visited by SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR.

LOUIS CUBELLO

Address: 2262 Woodlawn Avenue, Niagara Falls, New York
Telephone: 716-285-7798

In November, 1968, BENJAMIN NICOLETTI, JR. has been observed to be at LOUIS CUBELLO's residence during prime bookmaking time.

BENJAMIN NICOLETTI, JR.

Address: 2654 North Avenue, Niagara Falls, New York

BENJAMIN NICOLETTI, JR., FBI Number 80339G has been arrested five times from 1964 to 1967, for gambling offenses. He has been convicted on two of these charges, and he has gambling charges pending. Investigation has revealed no legitimate source of income for BENJAMIN NICOLETTI, JR. He is known to the Niagara Falls, New York Police Department as can be seen by the affidavit of Lieutenant John E. Belkota, as an active bookmaker.

Telephone records of BENJAMIN NICOLETTI, JR.'s home telephone indicate that at least on one occasion a call emanated therefrom to a telephone number known to be used and connected with known bookmakers and gamblers in Toronto, Ontario, Canada. As previously noted in the discussion of RALPH FAVA, BENJAMIN NICOLETTI, JR. has been frequently observed to be at FAVA's home during prime bookmaking time. FAVA's telephone, during prime bookmaking time, has been used to transmit and receive calls from and to numbers associated with foreign and New York State bookmaking interests.

As previously described, BENJAMIN NICOLETTI, JR. has been personally observed on recent occasions at the residences of LOUIS CUBELLO and RONALD APPOLONEY. Personal observations previously described have also placed BENJAMIN NICOLETTI, JR. within the past three months as meeting on numerous occasions GINO MONACO, SAM PUGLESE, RONALD APPOLONEY and BENJAMIN NICOLETTI, SR. Personal

observations have established that BENJAMIN NICOLETTI, JR. meets with BENJAMIN NICOLETTI, SR., immediately prior to the time that BENJAMIN NICOLETTI, SR. meets with PETER A. MAGADDINO. These meetings most frequently occur at the home of BENJAMIN NICOLETTI, SR. at 455 Cayuga Street, Lewiston, New York.

BENJAMIN NICOLETTI, SR.

Address: 455 Cayuga Street, Lewiston, New York
1002 Hewitt Drive, Lewiston, New York

BENJAMIN NICOLETTI, SR., FBI Number 285280, has an arrest record dating from 1930. He has been arrested once for burglary, twice for robbery and five times for gambling violations. He was convicted twice for bookmaking and gambling activity. There is currently pending before the Grand Jury of Niagara County, a gambling charge. He is known to Niagara Falls, New York Police Department, as can be seen more particularly in the affidavit of Lieutenant John E. Belkota, as one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He is further identified by Lieutenant John E. Belkota to be running the gambling operation in Niagara Falls, New York for STEFANO MAGADDINO and PETER A. MAGADDINO.

As previously mentioned, BENJAMIN NICOLETTI, SR. was observed meeting BENJAMIN NICOLETTI, JR. and GINO MONACO at LOUIS TAVANO's Red Carpet Lounge. It has also been noted above that BENJAMIN NICOLETTI, SR. has visited RALPH FAVA's residence. Numerous personal observations reveal that on or about Tuesday morning of each week, BENJAMIN NICOLETTI, SR. meets with BENJAMIN NICOLETTI, JR. Thereafter, and at approximately 2:00 p.m. of each Tuesday, BENJAMIN NICOLETTI, SR. rendezvous with PETER A. MAGADDINO. Their meetings have frequently and most recently taken place at the Your Host Restaurant on Niagara Falls Boulevard, Tonawanda, New York. On a number of these occasions, BENJAMIN NICOLETTI, SR. appeared to be passing an object to PETER A. MAGADDINO. During some of

these meetings, a nearby Special Agent of the Federal Bureau of Investigation overheard large dollar figures being discussed. On one occasion, a placemat on which BENJAMIN NICOLETTI, SR. had written, was recovered containing several numerical notations. After these meetings with PETER A. MAGADDINO, BENJAMIN NICOLETTI, SR. was personally observed to return to one or the other of his two homes, i.e. 455 Cayuga Street, Lewiston, New York or 1002 Hewitt Drive, Lewiston, New York.

PETER MAGADDINO

Address: 1103 22nd Street, Niagara Falls, New York

PETER A. MAGADDINO is known to the Niagara Falls, New York Police Department to be working directly for his father and over BENJAMIN NICOLETTI, SR., collecting the proceeds from bookmaking operations and in turn remitting them to his father, STEFANO MAGADDINO, as can be seen by the affidavit of Lieutenant John E. Belkota.

PETER A. MAGADDINO, as previously noted, has been personally observed to meet with BENJAMIN NICOLETTI, SR. on Tuesdays and receive a package from him. Personal observations indicate that immediately thereafter PETER A. MAGADDINO returns to the Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. On at least one occasion, when it was apparent that his father, STEFANO MAGADDINO was not at the Magaddino Memorial Chapel, PETER A. MAGADDINO bypassed the Chapel and then drove to his own home, 1103 22nd Street, Niagara Falls, New York.

STEFANO MAGADDINO

Business Address: Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York

Home Address: 5118 Dana Drive, Lewiston, New York

STEFANO MAGADDINO is also known to the Niagara Falls, New York Police Department to be in control of all

major gambling and bookmaking activity in Niagara Falls, New York, as can be seen by the affidavit of Lieutenant John E. Belkota. His information concerning STEFANO MAGADDINO is in complete accord with the information and belief of the deponent.

ERNEST REINHART, WALTER CHOMSKI, ALBERT IANNUZZELLI, and his brother LOUIS IANNUZZELLI, all of whom were mentioned in the informant information referred to in Special Agent Joseph E. Griffin, Jr.'s affidavit, are known to the Canadian police to be actively engaged in bookmaking and/or gambling activity in Canada. At least one of them has been convicted on gambling charges, as can be seen by the affidavit of Detective James Moody, a Niagara Falls, Ontario Police Officer. His affidavit is also submitted in support of the issuance of this warrant.

On several occasions during the pertinent period of the investigation, PETER A. MAGADDINO was seen to drive a 1966 black Cadillac, with New York State Registration 8E 2952, to and from the weekly meetings with BENJAMIN NICOLETTI, SR.

On every occasion during the pertinent period of the investigation, BENJAMIN NICOLETTI, SR. drove a 1967 brown Cadillac, with New York State Registration 5280 NF to and from the weekly meetings with PETER A. MAGADDINO.

BENJAMIN NICOLETTI, JR. is the registered owner of a 1967 green Buick, with New York State Registration 9543 NF. He has used this automobile to go to his father's for their weekly meeting. His car has also frequently been seen at his other bookmaking establishments.

PATSY PASSERO is the registered owner of the 1965 red Dodge, with New York State Registration LO 2246. During the pertinent period of this investigation, PATSY PASSERO has used his car on a daily basis and in meeting with other NICOLETTI bookmakers.

Based on all the information above and all the information in the affidavits of Joseph E. Griffin, Jr., John E. Belkota and James Moody, I have reason to believe and do believe as follows:

1. There are gambling records and paraphernalia and evidence of gambling violations in the above-described automobiles.

2. There are gambling records, moneys, telephones, other gambling paraphernalia, and evidence of the commission of gambling violations at the following premises:

(a) Magaddino Memorial Chapel, 1338 Niagara Street, Niagara Falls, New York. I have determined that the Assessor of the City of Niagara Falls, New York, carries this premises as the location of the Magaddino Funeral Home, Inc.;

(b) The home of PETER A. MAGADDINO, 1103 22nd Street, Niagara Falls, New York;

(c) The homes of BENJAMIN NICOLETTI, SR., 455 Cayuga Street, Lewiston, New York, and 1002 Hewitt Drive, Lewiston, New York;

(d) The home of BENJAMIN NICOLETTI, JR., 2654 North Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York, has this property listed as owned by MARGUERITE M. NICOLETTI;

(e) The home of PATSY PASSERO, 2895 Lewiston Road, Niagara Falls, New York;

(f) The business address of MICHAEL FARELLA, The Niagara Sundry Shop, 1216 Niagara Street, Niagara Falls, New York. This Premises is listed by the Assessor of the City of Niagara Falls, New York as owned by ANGELO and ANNA GODINO;

(g) The home of AUGIE RIZZO, 257 Witmer Road, North Tonawanda, New York. This premises is listed by the Assessor of the City of North Tonawanda, as being owned by Saj Trucking and Excavating, Inc.;

(h) The home of SAM PUGLESE, 177 61st Street, Niagara Falls, New York. This premises is listed by the Assessor of the City of Niagara Falls, New York, as owned by NICHOLAS PUGLIESE;

(i) The home of RALPH FAVA, 2241 South Avenue, Niagara Falls, New York;

(j) The home of LOUIS CUBELLO, 2262 Woodlawn Avenue, Niagara Falls, New York;

(k) The home of RONALD APPOLONEY, 513 15th Street, Niagara Falls, New York. This premises is listed by the Assessor for the City of Niagara Falls, New York, as owned by FILIPPINA PAONESSA;

(l) The home of LOUIS TAVANO, 5308 Elm Drive, Lewiston, New York; this premises is listed by the Assessor for the Town of Lewiston, New York, as owned by LEWIS TAVANO.

The full descriptions of the premises which I desire to be searched are set forth in the captions of the warrants submitted.

The information contained in those descriptions was gathered from the following sources:

(1) Barbara Lilly of the Assessors Office of the City of Niagara Falls, New York

(2) Dorothy Clark of the Assessors Office of the Town of Lewiston, New York

(3) Charles Guzzetta of the Assessors Office of the City of North Tonawanda, New York

(4) Personal observations of Special Agents of the Federal Bureau of Investigation.

There are gambling records, moneys, telephones, other gambling paraphernalia and evidence of the commission of gambling violations at the following premises:

The house utilized by GINO MONACO in carrying on bookmaking activity, i.e. 1120 Linwood Avenue, Niagara Falls, New York. The Assessor of the City of Niagara Falls, New York has this property listed as owned by ANTHONY DE NOFRIO.

The full description of this premises is set forth in the caption of the warrant submitted. The description was gathered from the following sources:

Barbara Lilly, the Assessors Office of the City of Niagara Falls, New York; and personal observations of Special Agents of the Federal Bureau of Investigation.

Special Agent, Federal Bureau of Investigation

Sworn to and subscribed before me this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, Joseph E. Griffin, Jr., having been duly sworn, depose and say:

I have been a Special Agent of the Federal Bureau of Investigation, assigned to the Buffalo Division of that Bureau for over four years, during which time I have been assigned to investigate gambling cases. I would estimate that I have investigated in excess of 100 gambling cases.

In the course of these investigations, I have been called upon to testify in judicial proceedings concerning and Grand Jury investigations of illegal gambling activity. In an attempt to make my investigations more meaningful, I have discussed with more experienced fellow officers, of local as well as Federal jurisdiction, the nature and operation of illegal gambling and bookmaking enterprises. I have also, from time to time, discussed with known convicted bookmakers the nature of their operation.

Based upon my experiences in gambling investigations, I can make the following observations. Conducting the business of bookmaking involves several levels of participation with the participants at each level necessarily maintaining records of their transactions with people above and below their echelon of activity. Bookmakers generally recognize that making use of telephones in interstate commerce in the conduct of their business violates Federal law. They go to great lengths not only to camouflage their bookmaking activities, but also to insulate themselves from any such use of interstate telephone calls. Such use is, at times, nonetheless necessary. Interstate and foreign telephone calls are made generally for one or both of these reasons: to "lay off" bets; to get "line information." "Laying off" bets means to place bets on the same horse or team

in a sporting event on which the bookmaker has accepted bets, so that he in effect is betting both ways. The purpose is to protect against heavy losses. "Line information" is information about the odds or point spread on a particular horse or sporting event on a given day.

I can say also that to guard against prosecution, important bookmakers commonly hire people to perform the hazardous functions of the bookmaking enterprise, such as accepting and laying off wagers. Where this is done, it is essential that there be some system for "settling up" accounts between employer and employee. That is, the proceeds of the operation collected by the employees from losing bettors must be passed on to the employers in the bookmaking operation. In some bookmaking operations, the settling up process is done on a weekly basis.

In virtually all gambling cases and bookmaking cases, as well as others involving different crimes, I have dealt with confidential informants. During the past four years, I have continuously received and used information from one particular confidential informant, whose information has proven to be extremely reliable. Information from this informant has resulted in numerous local and Federal arrests, and numerous convictions.

As long as several months ago, this above mentioned informant had advised me that Benjamin Nicoletti, Sr., of Lewiston, New York, was supervising a bookmaking operation for Stefano Magaddino of Lewiston, New York. During September, October, and November of 1968, this same informant advised me that this same operation was continuing and supplied me with the specific details of how the bookmaking operation was being conducted. The informant advised me that he had learned these details from Benjamin Nicoletti, Sr. and Peter A. Magaddino, during the same period that he was giving me the information; i.e.,

September, October, and November, 1968. The details so supplied to me by the informant are as follows:

Benjamin Nicoletti, Sr., in carrying on the bookmaking operation for Stefano Magaddino, deals directly through his son, Benjamin Nicoletti, Jr. Benjamin Nicoletti, Jr., acting on behalf of his father, Benjamin Nicoletti, Sr., employs Patsy Passero, Gino Monaco, Louis Tavano, Sam Puglese, Augie Rizzo, and Mike Farella as bookmakers. Their primary function is to accept wagers from and settle up with bettors. Benjamin Nicoletti, Jr. exericses some degree of control over these operations, normally by being accessible to them by telephone during bookmaking hours in order to solve any difficulties arising out of the bookmaking operation.

The informant advised that Benjamin Nicoletti, Jr. also engages in actual bookmaking in conjunction with the above described operation. The informant said that Benjamin Nicoletti, Jr. personally runs the sports book which involves the accepting and sometimes laying off of wagers on sporting contests as contrasted to horse races.

The same informant further advises that one of the above-named employees is designated by Benjamin Nicoletti, Jr. to lay off excess action to certain notorious bookmakers in Canada, and to accept lay-off action from them. The Canadians named by the informant are the Iannuzzellis, Ernest Reinhart, and Walter Chomski; all of whom live in the Province on Ontario.

The informant advised that during October, 1968, Benjamin Nicoletti, Jr. operated his bookmaking enterprises at Niagara Falls, New York telephone number 284-0879 (subsequently determined to be listed to Ralph Fava, 2241 South Avenue, Niagara Falls, New York), and at Niagara Falls, New York telephone number 284-8559 (subsequently determined to be listed to Ronald Appoloney, 513 15th Street, Niagara Falls, New York). Sometime during November, 1968, Benjamin Nicoletti, Jr. began to also use in connection with his bookmaking enterprise Niagara Falls, New York telephone number 285-7798

(subsequently determined to be listed to Louis Cubello, 2262 Woodlawn Avenue, Niagara Falls, New York). The informant further advised that Augie Rizzo is currently accepting wagers for Benjamin Nicoletti, Jr. in North Tonawanda, New York, and is using telephone number 694-3312 to accept betting action. (This telephone number was subsequently determined to be listed to Irene Durick, 257 Witmer Road, North Tonawanda, New York.)

The above-mentioned informant advised as follows regarding settling up in the operation. The employees named above settle up with the bettors and then with Benjamin Nicoletti, Jr. sometime prior to Tuesday of each week.

Once a week, normally on Tuesday, Benjamin Nicoletti, Jr. meets with his father to balance their books, with the son passing on to the father the percentage of the profits due the father and the percentage of profits due Stefano Magaddino. Also on Tuesday, Benjamin Nicoletti, Sr. similarly settles up with Stefano Magaddino. For purposes of this task, Benjamin Nicoletti, Sr. meets with Peter A. Magaddino, Stefano Magaddino's son, and passes on the share due Stefano Magaddino. Peter A. Magaddino then promptly delivers the proceeds to his father, Stefano Magaddino.

The same informant advised me that over the past several years, Stefano Magaddino has used the Magaddino Memorial Chapel in the informant's presence as a meeting place for the transaction of business related to illegal bookmaking, gambling, and loan-sharking activities. The business so conducted consisted of reporting on problems as they arose, and settling up of accounts. He further advised that Stefano Magaddino controls all major bookmaking and gambling activity in Niagara Falls, New York. Additionally, he advised that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Since I have been assigned to the Buffalo Office of the Federal Bureau of Investigation, I have received information from more than five confidential

informants, all of whom have given other information which proved reliable, that Stefano Magaddino controls all large scale bookmaking and gambling activity in Niagara Falls, New York. On November 22, 1968, I spoke to two informants, both of whom have given reliable information in the past, and neither of whom is the one I have referred to above. Each informant on that occasion advised me that Stefano Magaddino still controls all large scale bookmaking, gambling, and loan shark activity in Niagara Falls, New York. One of the two also confirmed that Peter A. Magaddino now assists and is scheduled to succeed Stefano Magaddino in the exercise of that control.

Joseph E. Griffin, Jr.

Sworn to and subscribed before me
this 26th day of November, 1968

United States Commissioner

AFFIDAVIT

I, John E. Belkota, being duly sworn, depose and say:

I am a Lieutenant in the Niagara Falls Police Department on which force I have worked for 17 years. For the past 9 years, I have participated in more than 100 investigations of bookmaking and related crimes and have participated in the arrests of more than 200 individuals on such charges. Virtually all led to convictions or pleas of guilty. During that time, I have had extensive contact with confidential informants.

For the past several years, I have received information from several informants, all of whom have given reliable information in the past leading to arrests and convictions on bookmaking charges, that Benjamin Nicoletti, Sr. runs a large bookmaking operation. Overseeing the daily activities of the operation is his son, Benjamin Nicoletti, Jr.

During September, October and November of 1968, I have received information from several of these reliable informants that Gino Monaco, Sam Puglese and Mike Farella are working as bookmakers for the Nicoletti's. Their operations consist primarily of accepting wagers by telephone, collecting from losing bettors and paying off winners. During November, 1968, one of these reliable informants advised me that Louis Tavano also is working as a bookmaker for the Nicoletti's.

The same reliable informants have also advised me during the period September, October and November of 1968, that Patsy Passero deals with Benjamin Nicoletti, Jr. in a lay off operation.

The information from the above mentioned informants has been corroborated by investigation conducted by members of my Confidential Squad. For instance, I was advised that the residences of Ralph Fava, Ronald Appoloney and an apartment above a branch post office in Niagara Falls, New York, were being used at various times as telephone rooms. Subsequent physical surveillance by detectives in my unit placed the bookmakers at these premises during prime bookmaking hours.

Prime bookmaking hours consist of those times when wagering is most heavily conducted. For horse races, this is usually 1:00 P.M. to 5:00 P.M., Monday through Saturday. For other sporting contests commonly played on weekends, the prime time is generally 1:00 P.M. to 4:00 P.M., on Saturday and Sunday.

Based upon my trust in the reliability of the above mentioned informant information, investigation which that informant stimulated, and my experience investigating gambling and bookmaking cases in Niagara Falls, New York for the past 9 years, I can state the following:

I know Gino Monaco to have an extensive bookmaking record and to be a long time associate of Benjamin Nicoletti, Jr. and Benjamin Nicoletti, Sr. in their gambling operation. It is my present opinion and firm belief that he is presently engaged in bookmaking and is working for the Nicoletti's in that operation.

I know Sam Puglese also to have a criminal record for gambling type cases and to be an associate of the Nicoletti's. He is now engaged as a bookmaker in the Nicoletti operation.

Mike Farella is also known to me to have a criminal record for gambling type cases. He also is an associate of the Nicoletti's. It is my present opinion and firm belief that he too is a bookmaker in the Nicoletti operation.

I know Patsy Passero to have a criminal record for bookmaking and other crimes. He, too, is a long time associate of the Nicoletti's. He is presently working with them in a lay off capacity.

Benjamin Nicoletti, Jr. has an extensive criminal record for gambling violations. He is engaged in bookmaking activities with the bookmakers named above and his father.

I know Benjamin Nicoletti, Sr. to have a criminal record for gambling and bookmaking violations. At the present time he is one of the most important figures in bookmaking and gambling operations in Niagara Falls, New York. He runs the operation directly for Stefano Magaddino and Peter A. Magaddino.

This information regarding bookmaking operations by Benjamin Nicoletti, Sr. and Benjamin Nicoletti, Jr. over the past several years and specifically in the past three months, has included information that Benjamin Nicoletti, Sr. works for Peter A. Magaddino and that profits of the operation go in part to Peter A. Magaddino and Stefano Magaddino. The distribution of revenue is as follows: Benjamin Nicoletti, Jr. collects from the employee bookmakers. He passes money up to Benjamin Nicoletti, Sr. Benjamin Nicoletti, Sr. meets with Peter A. Magaddino and passes money to him. Peter A. Magaddino passes the money on to Stefano Magaddino, for whom he works.

The same reliable confidential informants have advised me over the past several years that Stefano Magaddino controls all major gambling and bookmaking activity in Niagara Falls, New York. This information has been confirmed as recently as the past month by an informant whose information has always proven reliable.

Sworn to and Subscribed
Before Me This 26 Day of
November, 1968

United States Commissioner

John E. Belkota
JOHN E. BELKOTA

AFFIDAVIT

I, James Moody, being duly sworn, depose and say:

I am presently employed by the City of Niagara Falls Police Department, Niagara Falls, Ontario, Canada, in the position of Detective in Charge of the Special Branch.

My primary duties consist of supervising and conducting investigations relating to criminal intelligence, vice, bookmaking and gambling. I have been a police officer for the City of Niagara Falls, Ontario, Canada for the past 14 years and served in my present position for the past 2½ years. I have testified on numerous occasions in the prosecution of bookmaking cases. I have participated in over 100 arrests of bookmakers and gamblers.

Ernest Albert Reinhart, Niagara Falls, Ontario, Canada Police Department Number 4122, resides at 1001 Stanley Avenue, Niagara Falls, Ontario, Canada. During the period of 1955 through 1967, this man has been convicted twice of keeping a common betting house; i.e., an establishment used for bookmaking. In 1967, he was sentenced to jail for one year and fined $4,000 for engaging in bookmaking. It is my present opinion and firm belief that this man is presently one of the largest active bookmakers in Ontario.

I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 354-0264 is subscribed to the Demitasse Gift Shop, located on Clifton Hill in Niagara Falls, Ontario, Canada.

I have determined through investigation that Reinhart, who is co-owner of the Demitasse Gift Shop, is utilizing telephone number 354-0264 in the furtherance of his bookmaking operation.

It is also a matter of public record that Ernest Reinhart is a known gambler, who associates with the gambling element in the City of Niagara Falls, Ontario. The public record I refer to is the 1964 copy of the Report of the Ontario Police Commission on Organized Crime, Page 45, wherein it is set forth that Reinhart is engaged in gambling activity.

George Zarafonitis, at the present time, resides at 1100 Center Street, Unit 11, Niagara Falls, Ontario, Canada. During the period of 1940 through 1959, this person's criminal record shows that he has been convicted on several occasions for being found in a gaming house and being a keeper of a gaming house. At the present time, it is my opinion and firm belief that George Zarafonitis is currently and extensively engaged in bookmaking activity within the Province of Ontario, Canada.

I have determined through investigation that George Zarafonitis is utilizing telephone number 356-5303 in the furtherance of his bookmaking operation. I have also determined through records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, that telephone number 356-5303 is subscribed to by George Zarafonitis, 1100 Center Street, Niagara Falls, Ontario.

I have also determined through investigation that George Zarafonitis is also utilizing telephone number 358-9064 in furtherance of his bookmaking activity. In accordance with records of the Canadian Bell Telephone Company, Niagara Falls, Ontario, it was determined that telephone number 358-9064 is subscribed to by Van's Candy Kitchen, Niagara Falls, Ontario. George Zarafonitis is the Manager of Van's Candy Kitchen and is using that telephone for bookmaking purposes.

Walter Chomski resides at 1331 Crestdale Road, Mississauga, Ontario, Canada. This man is now using the name of Charles Watson.

I have had knowledge of Walter Chomski and that he has been extensively engaged in bookmaking activities over the past several years. It is my present opinion and firm belief that he has been actively and extensively engaged in bookmaking activities.

Albert Joseph Pitts resides at 862 Second Avenue, Niagara Falls, Ontario, Canada, and in 1959, this man was arrested for keeping a common betting house and fined $500. He is known by me to associate with gamblers and bookmakers in the City of Niagara Falls, and has made frequent trips out of town in connection with and furtherance of his gambling activity.

It is my present belief and firm opinion that Pitts is currently engaged in gambling activity.

Albert Iannuzzelli is co-owner of the Hilltop Motel, located on Clifton Hill in Niagara Falls, Ontario, Canada. He is a close associate of Ernest Reinhart and for a number of years has been involved in gambling in Niagara Falls, Ontario, Canada.

He has no criminal record, but it is a matter of public record that he is engaged in gambling activity.

I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the participation of Albert and Louis Iannuzzelli in gambling activity. In that report they are listed as Canadian backers of the Ramsey Club, a now defunct gambling club. The report also sets out that the Hilltop Motel was being utilized as a meeting place for the Iannuzzellis and Benjamin Nicoletti, Sr.

Louis Iannuzzelli, brother of Albert Iannuzzelli, is a co-owner of the Hilltop Motel, located at Clifton Hill, Niagara Falls, Ontario, Canada.

Louis Iannuzzelli is a close associate of Ernest Reinhart and for a number of years has been involved in gambling activity at Niagara Falls, Ontario, Canada.

Louis Iannuzzelli has no criminal record; however, his gambling activity is a matter of public record and I refer to the report of Honorable Mister Justice William D. Roach, 1961, Exhibit Number 7, Page 6, wherein is set forth the gambling activities of Louis Iannuzzelli.

It is my present opinion and firm belief that Albert and Louis Iannuzzelli are currently actively engaged in gambling activities.

Mrs. Elaine Marion Barker, 99 Connolly Avenue, Toronto, Ontario, Canada, has Metropolitan Toronto, Ontario Police Department Number 2282/63. The Metropolitan Toronto Police Department advises me that Mrs. Barker has been arrested for theft in 1961 and 1967. They have also advised that she is currently on bail as of November 1, 1968, on a charge of keeping a common betting house.

Bert Nero, 2379 Russell Street, Niagara Falls, Ontario, and who has Niagara Falls, Ontario Police Department Number 1815, is a convicted bookmaker. It is my present opinion and firm belief that this man is currently and actively engaged in gambling.

Ronnie Garth Masotti, 1783 Ferry Street, Niagara Falls, Ontario, is known to me as a professional gambler in the Ontario Canada and Western New York, United States area. He has Niagara Falls, Ontario Police Department Number 1608 and has a criminal record dating from 1958 through 1967. My investigation has revealed that this man's telephone number 356-1466 has been in contact with one Patsy Passero of Niagara Falls, New York. It is my present opinion and firm belief that this man is currently and actively engaged in gambling activities within the Province of Ontario and Western District of New York, United States area.

Police officials of the Hamilton Police Department, advise me that F. M. Golo is actively engaged in bookmaking.

Police officials of the Metropolitan Toronto Police Department advise me that the Executive Club, 491 Lawrence Avenue, West, Toronto, Ontario, Canada, is known as a hangout for gamblers and bookmakers.

I have caused a check of the Canadian Bell Telephone Company, Toronto, Ontario, Canada, to be made and I have determined that telephone number 789-5347 in Toronto, Ontario, Canada, is subscribed to the Executive Club. Police officials of the Metropolitan Toronto Police Department advise me that Jack Beal of Toronto, Ontario Canada is actively involved in gambling and has access to this telephone.

James Moody

Sworn to and Subscribed
Before Me This 25 Day
of November 1968

United States Commissioner